



A studio portrait of Laura M. Johns, taken between 1900 and 1912. Johns was a Republican suffragist and journalist from Salina, who served as president of the Kansas State Suffrage Association.

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Innocent Victims or Vile Women? Kansas and the Age-of-Consent Reform Campaign, 1885–1920

by Ann Vlock

Laura Johns recognized the snub to Kansas in the August 13, 1887, issue of the *Woman's Journal*, where an article touted the progressiveness of New York, Pennsylvania, and New Jersey for having recently raised the legal age of consent to sex to sixteen.¹ Johns, a well-known women's equality advocate and president of the Kansas Equal Suffrage Association, objected to the *Journal's* failure to mention that Kansas had raised its age of consent even higher, to eighteen. This was the standard set by reformers, and Kansas was the first state in the nation to reach it. In a response to the *Journal*, Johns declared, "Kansas takes the lead in the protection of women."²

The term "age of consent" in the U.S. legal system refers to the female age of consent to sex specified in state statutes, while a federal statute governs the District of Columbia and U.S. territories. Each state defines the age at which a girl is considered mature enough to consent to sex. The age threshold is crucial, for below the age specified, rape is automatically assumed, even if the girl admits to consent (what we would today call statutory rape). However, at the age specified or above, the law considers a girl or young woman capable of consenting, making rape more difficult to prove. Prior to 1885, statutes in most U.S. states were based on English common law and had set the age of consent at either ten or twelve at the state's founding. Delaware's age was set even lower, at seven. Modifications to age-of-consent laws were few and unconnected and did not serve to bring national attention to the issue.³

Impetus for a campaign to reform age-of-consent legislation actually came from British journalist William Stead's exposé in mid-1885, published in London's *Pall Mall Gazette*. Stead went undercover in London's prostitution houses to focus attention on middle- and upper-class men who preyed on young, poor, white working girls forced into prostitution by poverty.⁴ Parliament responded, raising England's age of consent to sixteen. The impact of the Stead exposé quickly crossed the Atlantic. Johns expressed

Ann Vlock is a PhD student in the Department of History at the University of Nebraska–Lincoln. She is the author of "Justice, Not Charity: Luna Kellie and Great Plains Populist Reform, 1890–1901," published in *Great Plains Quarterly* in summer 2020; "Many Crusades: Women's Pursuits of Populism and Women's Rights in 1890s Kansas," published in *Kansas History* in summer 2023; and "Everybody Took Part: A Regional Vision of Populism's Participatory Culture within Late Nineteenth Century Midwestern Reform," published in *Middle West Review* in spring 2024.

1. "Protection to Young Girls," (Boston) *Woman's Journal*, August 13, 1887.

2. Laura Johns, "Protection to Girls in Kansas," *Woman's Journal*, September 3, 1887.

3. Prior to the Stead investigation in mid-1885, the few legislative changes included Delaware's downward revision to age seven in 1871, Oregon's upward revision to age fourteen in 1864, Wyoming Territory's upward revision to age fourteen in 1882, and Nebraska's upward revision to age twelve in 1885. See Susan B. Anthony and Ida Husted Harper, eds., *History of Woman Suffrage*, vol. 4, 1883–1900 (Indianapolis, IN: Hollenbeck Press, 1902), 460.

4. William T. Stead, "Maiden Tribute of Modern Babylon: The Report of Our Secret Commission," (London) *Pall Mall Gazette*, July 6, 1885; July 7, 1885; July 8, 1885; and July 10, 1885. The articles are available on the W. T. Stead Resource Site, www.attackingthediabol.co.uk/.

the shock that many Americans felt, and her letter to the *Journal* interjected a note of humility and surprise that Kansas had “ever had on her statute books any less righteous an enactment for the protection of her female children.”⁵

As part of the white women’s movement and the purity campaign, age-of-consent reform benefited from the organizing power that the Woman’s Christian Temperance Union (WCTU), equal suffrage associations, and purity groups had honed in earlier decades of the nineteenth century. Agrarian, labor, and Progressive reformers and organizations were outspoken supporters as well. Although age-of-consent laws faced formidable opposition, by comparison to other facets of the women’s movement—suffrage, property and marriage reform, jury reform—age-of-consent reform had early and continuing successes. In less than two years, around one-third of U.S. states and territories passed revisions increasing the specified age, and legislative revisions continued to occur until 1920. However, the campaign also provoked a response from opponents who cited the existence of “vile” women to argue that revised laws were problematic and would be used to blackmail men.⁶

Much of the historiography of this subject has focused on the nationally prominent reformers who formulated a gender- and class-based argument for reform.⁷ Taking a cue from the Stead investigation, these reformers emphasized that middle- and upper-class men took advantage of young, working-class white girls. Historian David Pivar emphasizes the national reformers and the WCTU, and a recent textbook mentions only the

WCTU’s role in the passage of revised legislation.⁸ Indeed, Pivar seemingly discourages local research by commenting that the federalism of the campaign “defies coherent description.”⁹ Mary Odem’s significant work *Delinquent Daughters* also presents a national overview of the campaign.¹⁰ Stephen Robertson analyzes court cases in New York City during the Progressive Era, arguing that the new laws contributed to the development of adolescence as a distinct concept in human development.¹¹ It is time to examine a state campaign.

Kansas provides a useful microcosm of the age-of-consent campaign. Its experience demonstrates similarities to as well as differences from the approach of nationally prominent reformers, revealing a more nuanced view of the reform campaign. The Kansas campaign illustrates the influences on a state campaign and common tactics demonstrated by nationally prominent reformers such as Helen Hamilton Gardener; Kansas proponents of reform utilized the class- and race-based arguments of the national reformers, but their discourse also shows that they held a more complex understanding of the subject. National reformers provided Kansas editors with consolidated data on progress in other states and with publications that reached a national audience. In turn, Kansas provided the national campaign with the earliest exemplary outcome, its 1887 legislation, which national reformers then utilized as a yardstick against which to measure progress in other states and as a means of cajoling and persuading other states to follow suit. Kansas also supplemented the national campaign’s publications with a cohort of newspaper editors keen to publicize age-of-consent issues. These mutual influences add dimension to

5. Johns, “Protection to Girls in Kansas.”

6. Mary E. Odem, *Delinquent Daughters: Protecting and Policing Adolescent Female Sexuality in the United States, 1885–1920* (Chapel Hill: University of North Carolina Press, 1995), 31. Although many more arguments were utilized, blackmail was the predominant objection to higher age-of-consent laws.

7. Melissa J. Doak, Eunice Lee, and Rebecca Park, *How Did Gender and Class Shape the Age of Consent Campaign within the Social Purity Movement, 1886–1914?* (Binghamton, NY: State University of New York, 2000), search.alexanderstreet.com/view/work/bibliographic_entity%7Cweb_collection%7C2495928. This is an excellent online collection of primary documents written by the nationally prominent reformers.

8. David Pivar, *Purity Crusade: Sexual Morality and Social Control, 1868–1900* (Westport, CT: Greenwood Press, 1973), 139–46; Mari Jo Buhle, Teresa Murphy, and Jane Gerhard, *A Concise Women’s History* (Boston: Pearson Education, 2015), 349–50.

9. Pivar, *Purity Crusade*, 141.

10. Odem, *Delinquent Daughters*, 8–37.

11. Stephen Robertson, “Age of Consent Law and the Making of Modern Childhood in New York City, 1886–1921,” *Journal of Social History* 35, no. 4 (Summer 2002): 781–98.



Alice Paul and Helen Hamilton Gardener seated at a desk, between 1908 and 1913. Both were important national leaders in the women's suffrage movement. Courtesy of the Library of Congress.

the reform campaign and a broader understanding of its effects.

The state campaign also reveals a more diverse set of voices for reform than the WCTU, the institution most commonly associated with age-of-consent reform. This diversity adds nuance to some historians' notion that the campaign was actually intended to control young women's sexuality. Stephen Robertson questions the notion of control that earlier historians emphasized; this research aligns with his more balanced view, which takes into account the more complex contemporary discourse on the subject.¹²

Kansas reform editors—mainly reform-oriented Republicans and members of the newly formed People's (Populist) Party—should also be taken into account. Reform-minded journalists and editors played a significant role alongside the efforts of the WCTU to combat an attempt by the

1889 Kansas Senate to rescind the 1887 gain. These journalists, augmented by a cadre of Populist women editors in the 1890s, utilized their editorials well after the 1889 failed attempt to reinforce the justice of the new Kansas standard of age eighteen. These editors' voices complicate ideas about the social control dynamics of the campaign. While control was likely an object for some, the reform editors' campaign shows that many emphasized justice, dignity, and equality for girls and young women.

Analyzing a wider range of voices in Kansas also sheds light on how the reform campaign in Kansas aided the wider women's movement and what contributed to the success of the Kansas campaign. Although many other states ultimately participated in the early and continuing successes of this national movement, the achievement of being first in the nation to set the age of eighteen established Kansas as the state to emulate. Suffragist Susan B. Anthony theorized that it was

12. Robertson, "Age of Consent Law," 782.

easier to accomplish reform based on statute law than on constitutional law, implying that age-of-consent reform was easier to accomplish than suffrage because age of consent falls under statute law. It was an interesting observation given her role in the National Woman Suffrage Association (NWSA) and its focus on gaining suffrage at the national level through a constitutional amendment. Although Anthony was mainly lamenting the fact that full suffrage had not yet been realized when she wrote this in 1902, her analysis neglects the complexity associated with the success of the age-of-consent campaign within Kansas. It took more than the ease of utilizing statute law to effect reform and to protect it against backlash.¹³ In the case of Kansas, a combination of factors assisted its legislative success.

This analysis relies mainly on newspaper sources to analyze the Kansas campaign since many of the voices cited left no extant memoir or personal correspondence, but they wrote editorials and articles that help to reveal their worldview. Three sections detail the context and chronology of the campaign. The first provides context for the overall campaign and its connection to nineteenth-century reform movements, including the Stead investigation that initiated the campaign. The second covers the Kansas campaign that resulted in the legislature setting the age of consent at eighteen and the backlash against it, an attempt by the Kansas Senate in 1889 to modify the new law. The third analyzes the dynamics of a continuing campaign to ensure that there would not be another "1889."

Reform Movements and the Stead Exposé

The age-of-consent campaign had roots in the worldview and actions of three major reform movements of the nineteenth century: the social purity movement, the women's movement, and

the agrarian-labor movement. Each movement cannot be strictly bounded; reformers often identified with multiple causes and groups, and reform initiatives generally accelerated after the Civil War in response to rapid urbanization, industrialization, and immigration. The social purity campaign began in earnest after the Civil War as a coalition of white middle- and upper-class reformers consisting mainly of former abolitionists, equal suffrage advocates, and clergy. This coalition sought to combat efforts by physicians and public health authorities in urban areas such as New York and St. Louis to implement government regulation of prostitution to control the spread of venereal disease. Concerned that regulation denied sex workers human dignity, personal liberties, and due process under the law, American reformers supported eliminating sex work instead. They also objected to the notion that prostitution gave employment to women suffering the dislocations of industrialism. Purity reformers associated sex work with alcohol as the "twin evils" and raised concerns about the trafficking of young girls as "white slaves" to supply brothels. Rather than viewing prostitution as an individual sin, they saw it as a general corruption of social life that must be eradicated in order to purify society. Even in largely rural Kansas, these fears resonated. Many were anxious about the increasing numbers of young women seeking work in the cities and their access to new forms of commercialized leisure; either scenario potentially left these women open to exploitation by men.¹⁴

After winning the battle against regulation, American reformers focused on eliminating prostitution through rescue homes and education. They also broadened their focus from sex work to a plethora of other social issues they deemed worthy of purification efforts, especially the sexual double standard.¹⁵ When the Stead investigation raised the age of consent to a new level of consciousness

13. Anthony and Harper, *History of Woman Suffrage*, 4:xiv. Anthony's analysis also neglects to explain why other women's reforms that were also based on statute law, such as property and marriage reform, collectively took more than a century to complete.

14. Odem, *Delinquent Daughters*, 20–24, 11.

15. Odem, *Delinquent Daughters*, 10–11; Pivar, *Purity Crusade*, 50–88.

in 1885, its focus on the inequalities of the sexual double standard led purity reformers to add age-of-consent legislation to their agenda.

The women's movement is often regarded as having begun with the Seneca Falls Convention of 1848. In 1869, the suffrage movement split into the American Woman Suffrage Association (AWSA) and the NWSA over tactics and goals. The AWSA, led by Lucy Stone and Henry Blackwell, tended to focus more on gaining the vote through initiatives at the state level, while the NWSA, led by Susan B. Anthony and Elizabeth Cady Stanton, advocated the passage of a national constitutional amendment. Anthony and Stanton also supported a range of reforms perceived as more radical, especially divorce, which was seen by many as challenging the notion of marriage as a sacred bond. Many suffragists also participated in the WCTU, organized in 1874 to promote temperance, though it soon expanded to a "do everything" strategy under Frances Willard's leadership beginning in 1879. Willard recognized the interdependence between women's oppression and alcohol and advocated the vote as the means to overcome oppression. The WCTU eclipsed the suffrage organizations in terms of membership. Just as there were tensions and differences between suffrage organizations, the same can be said of the relationship between temperance and suffrage reformers, but there was also much overlap between these groups in terms of race (mainly white) and religious affiliation (mainly Protestant). Although suffrage was at their core, women's organizations promoted other women's equality issues, including property and marriage reform and participation in jury duty. As with purity reform, the Stead investigation prompted the women's movement to add age of consent to its reform repertoire.¹⁶

16. Carmen Heider, "Suffrage, Self-Determination, and the Women's Christian Temperance Union in Nebraska, 1879-1882," *Rhetoric and Public Affairs* 8, no. 1 (2005): 85-107. This article challenges the idea that the WCTU held conservative views. For additional context on the women's movement, see Buhle, Murphy, and Gerhard, *Concise Women's History*, 245-49. In 1890, the two national suffrage organizations would merge into the National American Woman Suffrage Association (NAWSA).

Beginning with the Grange organizing in 1867, a succession of agrarian and labor organizations in the second half of the nineteenth century focused on economic, political, and working-class reforms that often included support for women's rights and temperance. The most important of these organizations in the 1880s were the Knights of Labor and the Farmers' Alliance. These egalitarian-oriented organizations included women as members and as leaders, giving women respectability and valuable practice in public affairs within a mixed-gender environment. Historian Gregg Cantrell describes a counterculture of manliness "leavened with a more civilized quality that could even contain feminine elements," which emphasized "logic and reasoned debate" developed by the Populists that proved amenable to women's participation.¹⁷ These organizations' encouragement of women's public participation and greater attention to women's equality issues in general, especially in comparison to the two mainstream parties, translated into support for age-of-consent issues after 1885.

The justifications for and against age of consent remained fairly consistent throughout the Gilded Age and Progressive Era. Opponents usually cited the threat of blackmail by "vile" or "dissolute" young women, usually described as either financial or marriage coercion. Proponents of upward revisions cited the natural rights of individuals to their honor, health, and dignity and the responsibility of the government to protect the weak (women) from the strong (men). They wanted not only equality for women but also consistency in state laws governing when a girl was mature enough to engage in property and business transactions, pointing out that it was not

17. Gregg Cantrell, *The People's Revolt: Texas Populists and the Roots of American Liberalism* (New Haven, CT: Yale University Press, 2020), 262, 264. For the relationship between the agrarian-labor organizations and women's issues, see also Charles Postel, *Equality: An American Dilemma, 1866-1896* (New York: Farrar, Straus and Giroux, 2019), 209-15; Rebecca Edwards, *Angels in the Machinery: Gender in American Party Politics from the Civil War to the Progressive Era* (New York: Oxford University Press, 1997), 7; Charles Postel, *The Populist Vision* (New York: Oxford University Press, 2007), 70.

logical that a girl could “lose her honor” at age ten but be unable to transact property contracts until age eighteen or higher, depending on the particular state statute. Because people in this era believed that disease was equated with illicit sexual acts and that disease was passed on to future generations, proponents included protection of the unborn as an additional reason to implement legislation.

African Americans did not generally support the age-of-consent campaign because, in Kansas and elsewhere, they focused on the injustices of lynching and African American men being accused of the rape of white women. This led most to ignore or deemphasize age-of-consent reform; they wanted justice applied equally in all cases. The *Atchison Blade* argued that “if a crusade is to be inaugurated against the rape fiend why not enjoy safety by the riddance of all rapists, white as well as black?”¹⁸ In Parsons, editor E. M. Woods of the *Eye Opener* excoriated the southern press for its many false accusations of rape of white women by Black men. There is no extant evidence that Alfred Fairfax, the only African American serving in the Kansas legislature in 1889, commented on the Senate action.¹⁹ He may have had no cause to do so, as he was elected to the house and the bill was never released to the house floor. In 1899, however, the African American newspaper the *Topeka Plaindealer* expressed its support for age-of-consent laws as enabling parents “to pursue and punish the libertine who seeks only to destroy virtue and self-respect.”²⁰

Lynching was also the main concern of nationally prominent African American women reformers. *The Woman’s Era*, published in Boston, hardly mentioned age of consent in the 1890s. Editors Josephine St. P. Ruffin and Florida Ruffin Ridley focused their critiques on white women in general, and the WCTU in particular, for not

speaking out against lynching. They were especially critical of what they saw as the tepid response of Frances Willard when she did speak about it.²¹ Historian Mary Odem found only one local African American woman’s club, in Omaha, Nebraska, supporting the age-of-consent campaign.²² Thus, this campaign was largely a white, middle-class movement shaped by that demographic’s ideals and vision for the future.

Age-of-consent reform in the United States began in earnest with the dramatic details brought to light by the Stead exposé in mid-1885: middle- and upper-class men who had the money to procure the especially sought-after virgin girl; young lower-class girls forced into a life of prostitution; and matrons who collaborated in trapping and maintaining the girls, destroying their resistance with physical restraints.²³ Many Americans were shocked to realize that men could walk away from rape charges by merely citing consent based on an arbitrary low age set by law. To contemporaries, the Stead exposé cast a pall over the widespread belief that the nineteenth century was an era of progress and modernity for Britain and America.

Contemporary accounts as well as quantitative data attest to the direct influence of the Stead exposé on the American public.²⁴ Frances Willard, president of the WCTU, acknowledged Stead’s role: “To my thought he [Stead] is the apostle of this movement . . . bad men would have us believe that to be virtuous we must be ignorant . . . publicity was precisely what was needed.”²⁵ In

21. Florida Ruffin Ridley, “An Open Letter to Mrs. Laura Ormiston Chant,” (Boston) *Woman’s Era*, June 1894; Josephine St. P. Ruffin, “Editorial: To the Women of the Country,” *Woman’s Era*, August 1895.

22. Odem, *Delinquent Daughters*, 198n50.

23. Stead, “Maiden Tribute of Modern Babylon.”

24. The secondary literature on this campaign agrees with the role played by the Stead investigation in inaugurating the reform campaign. However, I include testimony from contemporaries and quantitative data, as these sources show the dramatic effect of the Stead exposé. For secondary literature references, see Odem, *Delinquent Daughters*, 12, and Robertson, “Age of Consent Law,” 784.

25. Frances Willard, “Social Purity: The Latest and Greatest Crusade,” quoted in Carolyn De Swarte Gifford and Amy R. Slagell, eds., *Let Something Good Be Said: Speeches and Writings of Frances E. Willard* (Urbana: University of Illinois Press, 2007), 95. This was a speech that Willard gave before the Central WCTU of Chicago on April 22, 1886.

18. *Atchison Blade*, December 17, 1897.

19. (Parsons) *Eye Opener*, July 23, 1892. Alfred Fairfax was the first African American elected to the Kansas Legislature. See “Alfred Fairfax,” *Kansapedia*, accessed October 23, 2024, www.kshs.org/kansapedia/alfred-fairfax/11733.

20. *Topeka Plaindealer*, March 24, 1899.

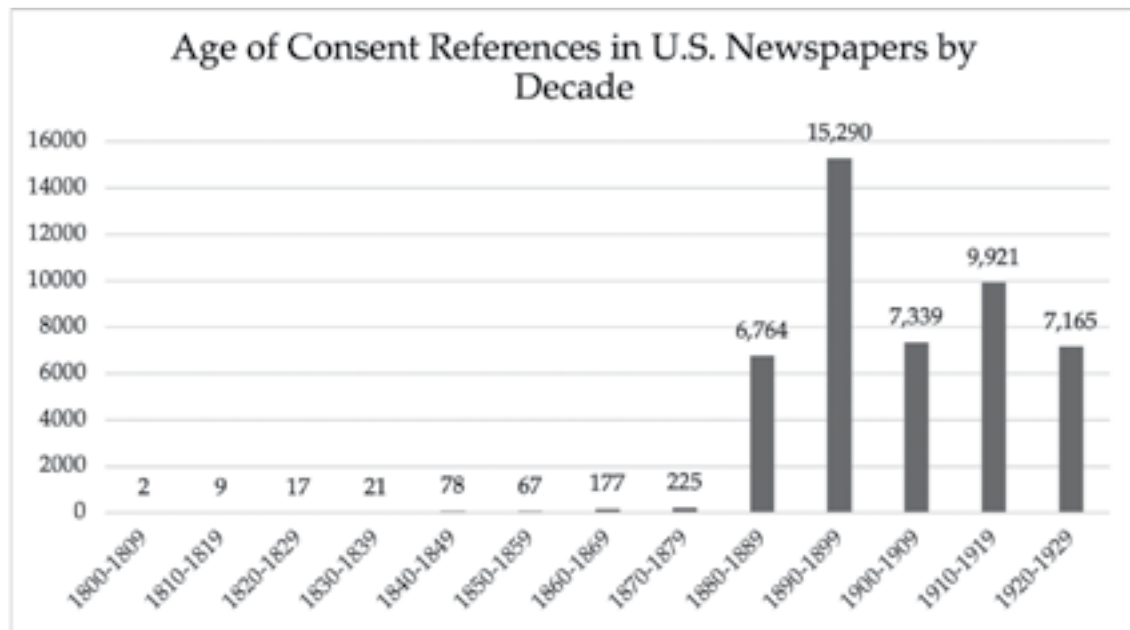


Figure 1. Data from newspapers.com showing counts of references to “age of consent” by decade.

the *Miltonvale Chieftain*, Mrs. W. J. Brooks declared, “Yes, England was shocked, and America felt rumbling on her low ground! Both woke up. . . . That arrow that William Stead let fly was truth.”²⁶ In the first few years of the campaign, newspaper accounts often mentioned Stead’s influence on U.S. legislative efforts. For example, in 1886, the *St. Louis Globe-Democrat* reported on the introduction of legislation in the New York legislature because of the “commotion upon the subject due to the *Pall Mall Gazette* exposures.” Perhaps the writer was exaggerating slightly, but in tiny Burnett, Nebraska (population three hundred), the editor of the *Burnett Blade* and future eminent Nebraska historian Addison Sheldon called the Stead exposé “the biggest sensation of the century” in England.²⁷

Data from contemporary newspapers further illustrates the impact of the Stead investigation on Kansas and the country. Figure one shows the number of references to search item “age of consent” by decade in all U.S. newspapers digitized on newspapers.com. Note the minimal levels of

discourse using this term until the 1880s. Although the discourse reached its height during the 1890s, references to the term remained high into the early twentieth century as various states continued to pass incremental upward age revisions.²⁸

The Kansas Campaign: Beginnings, Success, and Backlash

Beginning in mid-July 1885, Kansans followed the developments of the Stead investigation through summaries in their newspapers. Reports informed them of the indignant meetings held in England, the “monster petition” to Parliament signed by half a million people, and Parliament’s immediate action to raise England’s age of consent to sixteen. Soon, East Coast papers began to question the low ages of state statutes, and reprints of these articles appeared in Kansas newspapers. One of the earliest such articles quoted an (unnamed) Brooklyn, New York, paper that advocated “a change in the law of this state in regard to the so-called ‘age of consent.’” The article went on to argue that the existing law

26. Mrs. W. J. Brooks, “W.C.T.U. Column,” *Miltonvale Chieftain*, November 3, 1887.

27. *St. Louis Globe-Democrat*, January 20, 1886; Addison Sheldon, “Editorial,” *Burnett (NE) Blade*, July 17, 1885.

28. Some entries may refer to “age of consent” to marry or enlist in the military, but the majority of references refer to age of consent to sex. The data provides the overall trends by decade and the dramatic increase in references to age of consent beginning in the 1880s.

“is infamous. It is an affront to common sense that this law should be allowed to remain unamended a single day longer than is necessary.” It also pointed out the inconsistencies in the state’s legal code, which protected a girl’s tangible property, not allowing her to transact property contracts until a higher age (usually eighteen or above, depending on the particular state), but allowed her very life to be degraded “at the instigation of mature seducers.”²⁹ The New York reprint voiced two common justifications that characterized the reform campaign throughout its history: an appeal to common sense that changing the law was the right thing to do and an appeal that the age of consent should be raised to an age consistent with financial and property protections of persons transitioning to adulthood. Age eighteen became the standard to aim for. The trope of older men pursuing young girls is also clear in the New York article.

By early 1886, Kansas proponents of age-of-consent reform were lobbying for changes to the Kansas legal code. Reform-minded editors and women journalists who wrote articles for the WCTU columns of local papers advocated for a higher age. At this point, the editors were mainly male and either were associated with the Republican Party or were editors of agrarian-labor newspapers sponsored by the Knights of Labor or the Farmers’ Alliance (the influx of woman editors associated with the Populists did not occur until the 1890s).

Influenced by the wider purity movement, the WCTU in Kansas couched support for age of consent in verbiage such as that used by the Garfield, Kansas, chapter in referring to “the absolute demand of religion and physiology for purity in word, thought and deed.” The Garfield chapter was typical of many other Kansas chapters advocating “a single code of morals, and to maintain the law of purity as equally binding upon men and women.”³⁰ The women of this local emphasized

that natural law as well as the “precepts of Christ” backed this single standard of morality. WCTU women were also quick to point out, as did Mary Ryan, WCTU superintendent of the press, that “we call attention to the disgraceful fact that protection of the person is not placed by our laws upon so high a plane as protection of the purse.”³¹ They held that a single moral standard could be achieved through legislation along with the use of public meetings and other forms of education and the attainment of suffrage for women. Indeed, the Kansas WCTU in 1886 initiated a campaign to lobby the 1887 legislature to pass bills to legalize municipal suffrage, raise the age of consent, and create an industrial school for young girls.³²

Republican editor W. A. Madaris of the *Lyndon Journal* also appealed to notions of equality in support of age-of-consent legislation. Although he recognized that a higher age might allow “base people . . . opportunities . . . to carry out blackmailing schemes,” he favored an upward age revision because the “virtuous man has nothing to fear” and “the girl of 10 is not on equal footing with the libertine that seeks her ruin.” He continued, “The legislature owes it to the State to change the law, and protect innocent and unsuspecting maidens from paths of sin.”³³ Sometimes stated and sometimes implied, these arguments for equality also encapsulated a recognition that girls did not mature at the same rate and that setting a higher age would allow most to achieve maturity by the higher age of eighteen.

While the notion of equality for both sexes remained a staple of WCTU advocacy into the first decades of the twentieth century, Kansas and many other states did little or nothing to pass age-of-consent legislation for boys. A few states would later enact legislation, including New Hampshire, which in 1895 set the age of consent for boys at

29. See “Foreign,” *Cawker City Journal*, August 5, 1885, for reference to the monster petition in England; “Protecting Young Girls,” *Paola Times*, September 24, 1885.

30. “A Word to the Public,” *Larned Eagle-Optic*, July 16, 1886.

31. Mary Ryan, “W.C.T.U.,” (Clay Center) *Evening Times*, November 9, 1886.

32. “A Word to the Public”; “W.C.T.U.,” *Evening Times*, November 26, 1886.

33. W. A. Madaris, “The Age of Consent,” *Lyndon Journal*, December 2, 1886.

eighteen. Indeed, New Hampshire was the first state to define an age of consent for boys; its legislation appears to have been fueled by a scandal involving the young son of a wealthy family. And while the WCTU consistently supported such efforts, women tended to dismiss any notion that women preyed on young men. A journalist writing the WCTU column in the McCune *Brick* wanted her readers to know that the WCTU did not object to equal protection for young boys, “but at present this does not seem of such immediate importance. When old women of eighty, and married and unmarried women of middle age . . . go about ruining boys of ten and twelve and sixteen, it will be time to sound the alarm for boys as we are now sounding it for girls.”³⁴

Opposition to age of consent in Kansas was not very evident in 1886 and 1887, when the Kansas legislature revised the age to eighteen from ten. Many recognized the risk of blackmail entailed by a higher age, but as Madaris noted, a greater good for society would be accomplished by a higher age. Elections in 1886 resulted in a reformist-oriented legislature dominated by Republicans. Additionally, WCTU pressure was intense. The legislators first passed a bill that implemented municipal suffrage for women. Legislators who had voted for suffrage sported colorful buttonhole bouquets tied together with a white ribbon in early February 1887. The flowers were a thank-you gift from the WCTU and were also meant to remind the legislators that their support was needed to pass a pending bill to raise the age of consent. The legislature passed this bill with little or no discussion. The house initially set the age at sixteen, but when the senate placed it at eighteen, the house concurred.³⁵

The passage of the upward revision to eighteen in Kansas does not seem to have mobilized much opposition prior to its passage early in 1887 or in

34. “The Age of Consent,” *Kansas City (KS) Gazette*, February 28, 1895; “Woman’s Christian Temperance Union Column,” (McCune) *Brick*, June 26, 1886.

35. “The Legislature,” (Topeka) *Weekly Capital and Farmer’s Journal*, February 10, 1887; “Kansas Legislature,” (Olathe) *Kansas Plaindealer*, March 8, 1887.

the year after its passage, a further indication of the grip of the Stead investigation on Kansas. Kansas newspaper editors focused largely on the progress of legislation in other states, on praising the WCTU’s role in the passage of the Kansas legislation, and on recognizing that Kansas alone in the nation stood at age eighteen. Kansas editors made sure to track legislation in progress or completed in other states. They not only tracked the individual progress of states but also compared the ages set by each state’s legislation. They were aided by nationally prominent reformer and Boston lawyer Lelia J. Robinson, who published a national summary of each state’s and territory’s defined age of consent in *Law Made Easy*. Kansas editors liked to point out that Delaware had the dubious distinction of being the state with the lowest age in the nation while their state had the highest age: “In Delaware the age of consent is seven years, and in Kansas *alone* eighteen.”³⁶

Although Kansas reform editors could tout their state as having attained the highest age in the nation, the Stead investigation set in motion a flurry of legislative results throughout the nation. Around one-third of states and territories passed some form of upward legislation by the end of 1887. Even in states whose legislators failed to pass any change, reformers and opponents vigorously discussed the issue. The states or territories that set their age of consent at sixteen were New York, New Jersey, Pennsylvania, and Washington

36. *Junction City Weekly Union*, October 15, 1887 (italics mine). This article focuses on state comparisons and praises the WCTU for the passage of the Kansas law; the legislators who actually passed the bill are not mentioned. A similar article in the *Burlingame Independent*, October 6, 1887, ends with the words “Think of Delaware, where the ‘age of consent’ is seven years. It is horrible to think of.” Lelia Robinson was a reformer of national repute and a lawyer based in Boston who also had a background in journalism and wrote articles that helped ordinary people grapple with legal issues. Her *Law Made Easy* was one such publication. See the *Springfield (MA) Daily Republican*, August 11, 1891. A staple of the campaign in Kansas was the publication of articles on the progress of legislation in other states; in 1887, there were many articles on these efforts, especially reporting on Michigan and New York. For an example of Kansas papers tracking New York developments, see Lillie Devereux Blake, “Unjust Laws in New York,” (Salem) *People’s Friend*, July 21, 1887. An example of a Kansas editor reporting on Michigan can be found in the *Emporia Weekly Globe*, May 12, 1887.

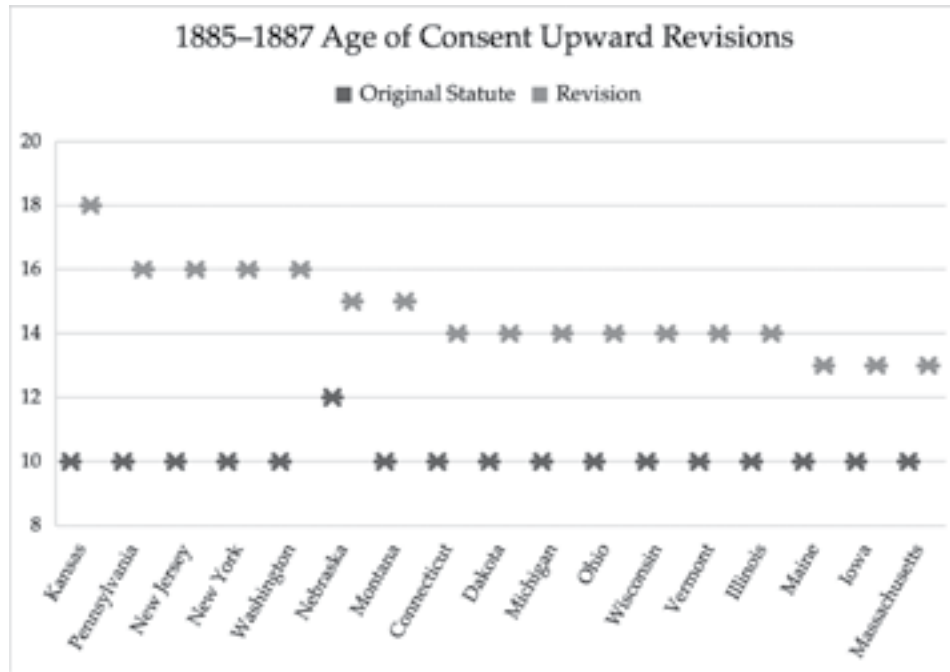


Figure 2. Upward age-of-consent revision by state and territory.

Territory. Nebraska and Montana Territory passed upward revisions to age fifteen, and seven adopted age fourteen: Dakota Territory, Connecticut, Ohio, Michigan, Illinois, Vermont, and Wisconsin. The remaining states with upward revisions, Maine, Iowa, and Massachusetts, set their age at thirteen.³⁷

Not only did the 1885–1887 flurry of legislation mark a propitious start for the campaign itself, but its early successes were welcome news to the overall women’s movement. Although Kansas women could cite their state as the first to implement municipal suffrage, nationally only women in Wyoming Territory and Washington Territory had full suffrage by the end of 1887 (Washington’s supreme court would rescind woman suffrage in 1888). The women’s movement

37. “Concerning Women,” *Indianapolis (IN) Journal*, October 16, 1887; “District Court,” *Black Hills (SD) Weekly Journal*, November 25, 1887; “That Wonderful Law,” (Logan) *Ohio Democrat*, November 5, 1887; “The Laws of the Land,” (Lincoln) *Daily Nebraska State Journal*, April 10, 1887; “Resolutions,” *Spokane Falls (WA) Review*, May 25, 1887; Mrs. M. L. Bogue, “Improvement in Connecticut,” *Woman’s Journal*, October 22, 1887; L. F. Andrews, “Keep History Straight,” *Woman’s Journal*, October 1, 1887; “Ohio Annual Meeting,” *Woman’s Journal*, June 4, 1887; Anthony and Harper, *History of Woman Suffrage*, 4:539, 560, 604, 635, 693, 745, 768, 808, 829, 866, 799, 903, 961, 992.

had been in existence for four decades. For the nation collectively, the passage of property and marriage legislation, also state-level issues, took up the entire nineteenth century and beyond.³⁸ Revised age-of-consent legislation encouraged reformers to believe that progress was possible. They were not done yet; they sought to enlist more states to set a standard of age eighteen and to pass legislation in the remaining states whose laws set the age of consent at ten and twelve.

Reformers found that they could not rest on their laurels; opposition in Kansas gained momentum in 1888 and beyond. As time passed and the shock of the Stead investigation began to dissipate, Democrats and conservative (“Old Guard”) Republicans began to voice stronger objections to the higher age of consent. Democrats generally opposed age-of-consent legislation because they opposed government intrusion into

38. Rebecca J. Mead, *How the Vote Was Won: Woman Suffrage in the Western United States, 1868–1914* (New York: New York University Press, 2004), 15; Jone Johnson Lewis, “A Short History of Women’s Property Rights in the United States,” ThoughtCo., accessed October 23, 2024, www.thoughtco.com/property-rights-of-women-3529578.

matters regarding the home.³⁹ Perhaps encouraged by the opposition that they saw mobilizing in other states and court cases beginning to surface in Kansas, Old Guard Republicans focused on concerns about dissolute young women.

Although it is difficult to gauge its exact impact, the new law did result in a number of arrests and court cases. Opponents pointed to these results as evidence of what they viewed as the injustice of the new law. Despite their continued emphasis on the threat of blackmail by prostitutes, the new law was more commonly utilized by parents for various reasons. Some used it as a threat to convict, extracting money and/or a promise to marry their daughter. Some seemed to use it as justice for their wronged daughter, as in a court case in Dickinson County reported in early 1889 by the *Salina Republican*. The editor proclaimed this case an injustice to the convicted man under the new law (we are not informed of the man's age); the father of the girl under the age of eighteen pressed for conviction and got it, even though the man offered to marry the girl. The editor thought the offer of marriage should have been accepted by the girl's father to prevent the man having to suffer in jail.⁴⁰

Reformers Anna and W.S. Wait of the *Lincoln Beacon* objected to such insensitivity and called attention to the fallacy of marriage as a solution in such cases. They responded to the *Salina Republican* editor by defending the father of the Dickinson County girl: "He very properly concluded that seducers of little girls were not fit husbands." They ignored the suggestion by the Republican editor that the girl had admitted complicity and claimed that such seducers would, if not in jail, commit the same crime again.⁴¹

In Jackson County, when a fifteen-year-old girl gave birth in the summer of 1887, her father at first extracted a promise of payment of \$100 from his future grandchild's father in return for not pressing charges under the new law. But

when the father received no payment, he pressed charges and had the man arrested in Topeka. Like the *Salina Republican* editor, the editor of the *Topeka Daily Capital* commented that "a wedding would appear to be the easiest and best way out of the scrape." This editor actually entitled the article "Constructive Rape."⁴²

Reformers discovered the headway the opposition had made in a short period when the state senate convened in January 1889. Old Guard Republicans predominated in the Senate; they passed a bill on February 12 that repealed the 1887 gain, specifying age twelve as the standard in a new bill by a vote of 26-9.⁴³ The bill needed only house concurrence and the governor's signature to become law. But the senate bill (referred to as No. 35) produced a furor all over Kansas. A typical article in the *Girard Herald* expressed indignation with six dramatic headlines fronting its article on the subject, varying the fonts and designs to give each headline a distinctive emphasis.⁴⁴ Ultimately, the Kansas House did not support Senate Bill No. 35, refusing to report the bill out of committee.⁴⁵ The effort to make sure the house did not concur in its passage was quick and effective—so much so that the senators who voted in favor of the bill found themselves on the defensive.

The WCTU mobilized against Senate Bill No. 35, but the bill also evoked a wider response within Kansas. Many viewed it as an insult to women, an injustice that not only potentially affected individual lives but also tended to destroy family life and the "progress" toward a higher civilization that Kansas had accomplished through the passage of the 1887 legislation.⁴⁶ Petitions from all over the state poured into the house; reprinted in papers throughout the

42. "Constructive Rape," *Topeka Daily Capital*, January 20, 1889.

43. "Before Vespers: What the Senate and House Did," *Topeka State Journal*, February 12, 1889.

44. "A Blow at Our Homes and Firesides!," *Girard Herald*, February 23, 1889. For similar articles, see "Relief Has Come at Last!," *Frankfort Sentinel*, February 22, 1889; "Dangerous Waters," *Kansas City (MO) Times*, February 27, 1889; "A Bad Break," *Parsons Weekly Sun*, February 21, 1889.

45. "House Notes," *Topeka State Journal*, February 19, 1889.

46. "A Blow at Our Homes and Firesides," *Girard Herald*, February 23, 1889.

39. Edwards, *Angels in the Machinery*, 6.

40. *Salina Daily Republican*, March 2, 1889.

41. Anna and W. S. Wait, *Lincoln Beacon*, March 7, 1889.

state was the news that “a sensation was caused in the house . . . by the introduction of a petition signed by 2,000 women of Topeka.”⁴⁷ Realizing that the senate bill would be promptly sent to the house for its consideration, editors Anna and W. S. Wait of the *Lincoln Beacon* urged “every voter in Lincoln county to send their personal protest at once” to their house representative.⁴⁸ The Kansas Equal Suffrage Association, WCTU, Knights of Labor, and Farmers’ Alliance voiced strong opposition.⁴⁹ Additionally, newspaper accounts show that many petitions were originated by people of various localities regardless of institutional affiliation.⁵⁰

The reports on the Topeka petition signed by two thousand women are interesting because they point to a possible spontaneous mass action by women. *Our Messenger*, the official state organ of the WCTU, does not even refer to the Topeka petition, nor does the national *Woman’s Tribune*. In the many local newspaper accounts, no organization is mentioned as coordinating the effort. The most detail is given by the *Kansas City Times*: “Last Friday 3,000 families in the city of Topeka were visited by energetic women, who volunteered their services to circulate a petition asking the house not to pass [Senate Bill No. 35] . . . and such a stir and excitement was never known in our town before.” If this was a spontaneous mass action, it is all the more impressive in its timing as well as the number of signatures gathered, as the petition was presented to the legislature on February 16, four days after the passage of Senate Bill No. 35 on February 12.⁵¹

47. “Kansas Legislature,” *Altamont Sentinel*, February 20, 1889. For a sampling of the many other references to this petition, see “House Sensation,” *Anthony Daily Republican*, February 19, 1889; *Abilene Daily Reflector*, February 18, 1889; *Kansas City Globe*, February 18, 1889.

48. W. S. and Anna C. Wait, “A Legislative Horror,” *Lincoln Beacon*, February 21, 1889.

49. “Misunderstood Senate Bill 35,” (El Dorado) *Kansas Workman*, March 29, 1889.

50. “Legislative Proceedings,” *Salina Daily Gazette*, February 19, 1889. This article reports that “Mr. Ritchie, of Morris County, presented a petition from citizens of Council Grove, praying against the passage of the substitute for senate bill No. 35 . . . a like petition was presented from the good women of Shawnee.” See also “Down to Hard Work,” *Topeka State Journal*, February 20, 1889, reporting that “petitions from all over the state protesting against passage of senate bill 35” poured into the House.

51. “Three Thousand Families Visited,” *Kansas City Times*, February 24, 1889; “Sensation in the House,” *Wichita Eagle*, February 17, 1889.

Girard may have experienced something similar, but on a smaller scale; a Girard newspaper touted “a Protest with hundreds of names signed obtained in a few hours in the City of Girard.”⁵²

This widespread criticism stunned the senators and their supporters. It is telling that newspapers supporting the senators generally did not publish articles defending their actions until well after the bill had died in the house committee. They admitted, as this editor did, that “there seemed to be no way of stopping . . . the furore against the bill and the senators who voted for it.”⁵³ On the defensive, several senators requested time on the Senate floor a few weeks after the vote to explain why they had introduced and voted for the revision.⁵⁴ They cited the need for boys to be shielded from the machinations of prostitutes. However, they further outraged public opinion, as their explanation alluded to their suspicion of all women and thus served only as fodder for further condemnation by reformers.

The arguments voiced on the senate floor on February 22 by Senators J. G. Mohler, Joel Moody, H. B. Kelly, and C. H. Kimball focused mainly on the damage sex workers could inflict on men. Mohler denied charges that Kansas had returned to a state of barbarity: “Less than twenty years ago the statute books of Kansas made the age of consent ten years. That is the age today . . . in the advanced civilization of England.” This statement was false; England had raised its age to sixteen in 1885. Mohler cited two cases in which a prostitute had utilized the 1887 law to send a man to prison. Calling the bill he voted for a protection against blackmail, he asked and answered, “Do you, Mr. President [of the senate], do I, not need some law to protect us from the blandishments of voluptuous and seductive women? Why certainly we do, sir.” Moody followed Mohler’s speech with an

52. “A Blow at our Homes and Firesides,” *Girard Herald*, February 23, 1889.

53. F. P. Baker, “The Age of Consent,” (Topeka) *Kansas Newspaper Union*, May 23, 1889.

54. *Proceedings of the Senate of the State of Kansas: Sixth Biennial Session, Begun at Topeka, January 8, 1889* (Topeka: Clifford C. Baker, State Printer, 1889), 653.

argument that Kansans had not read the actual verbiage of the law; if they had, they would have understood that it specified that only women of so-called ill repute would be affected by lowering the age to twelve. Kelly said, "I do not want my boy, Mr. President, to be exposed to the infamous and villainous provisions of [the 1887 law]."⁵⁵

In a separate letter to the *Fort Scott Monitor*, Senator Snyder S. Kirkpatrick focused on the blackmail issue and emphasized that girls thirteen and younger were prostitutes on the streets of Kansas cities and that in "nine cases out of ten the victims are boys less than 15 years of age." A few sentences later, he extended the age of the boy victims to eighteen: "Nine out of ten of the erring victims are youths from fourteen to eighteen, oftentimes allured to these haunts of vice by females older than themselves." He considered it an injustice that "Christian fathers of these erring boys were compelled to pay quite a sum to save their erring sons from the threatened prosecution for rape."⁵⁶

The senators' defenses were remarkably similar in their focus on sex workers and the financial harm the new law could do to middle- and upper-class fathers. They gave no thought to analyzing the causes of prostitution or the fate of women in general. They claimed that they were really setting the age of consent at sixteen by exempting men from prosecution if they had relations with women of "bad repute" between the ages of twelve and sixteen and that women of "good repute" had nothing to worry about. Their solution involved only one proposition: to shield the men of Kansas from prosecution. Thus, while prostitution was the driving force behind the Stead exposé, in the United States, reformers moved beyond prostitution concerns to consider the effects of age-of-consent legislation on society and women in general, while the campaign's opponents focused mainly on sex work and the associated charges that prostitutes

55. "The Senate," (Topeka) *Weekly Capital-Commonwealth*, February 28, 1889.

56. S. S. Kirkpatrick letter to the editor, *Fort Scott Daily Monitor*, March 14, 1889.

would blackmail men.

The senators' explanations did little to change public opinion on the subject. Referring to the senators' stance that women of good repute had nothing to fear from Senate Bill No. 35, Laura Johns commented, "The words 'good repute' might as well have been left out of the bill; they mean nothing and would avail little."⁵⁷ In a letter to the *Pleasanton Herald*, a man identified only by the initials "M.C.B." lambasted Senator Joel Moody. He had voted for Moody in the previous election but would not do so again: "The people of this state don't want the law changed so that a darn scoundrel can go free from his iniquity by swearing that *innocent girls are women of loose morals*." M.C.B. addressed Moody by his first name, not as "senator," and closed by sarcastically referring to Moody's speech on the Senate floor: "That apology business was an awful set back, wasn't it, Joel?"⁵⁸ The *Jewell County Republican*, commenting on the senators' references to men visiting "bawdy houses," perhaps stated the obvious: "It never seemed to occur to the noble senators that a man might stay away from such places."⁵⁹

The demographics of the Kansas Senate counter the findings of earlier national research that the age of men mattered in terms of support for or against age-of-consent reform. David Pivar found that younger men tended to support upward revisions, but older men did not.⁶⁰ The group of Kansas state senators voting to rescind the 1887 law does not support this assertion. This group of twenty-six men ranged in age from thirty-one to fifty-six. Ten were in their thirties, thirteen in their forties, and three in their fifties.

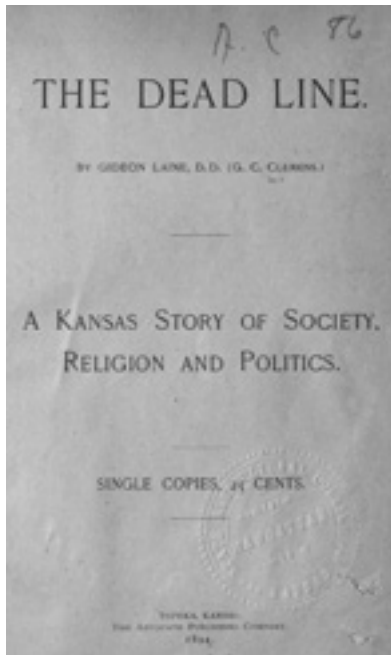
Although the senate campaign in 1889 did not succeed, Kansas reformers seemed to take seriously the need to prevent its recurrence. The growing emphasis on reform in the early 1890s and the successes of the People's Party, formed in Kansas in

57. Laura Johns letter to the editor, *Salina Daily Gazette*, February 28, 1889.

58. M.C.B., "Open Letter to Senator Moody," *Pleasanton Herald*, March 8, 1889 (italics mine).

59. *Jewell County Republican*, March 1, 1889.

60. Pivar, *Purity Crusade*, 141.



Title page of *The Dead Line* as it appeared in a standalone volume in 1894. Courtesy of the Richard L. D. and Marjorie J. Morse Department of Archives and Special Collections at Kansas State University.

1890 and nationally in 1892, introduced a new set of reformers committed to their party's economic and financial reforms of the Omaha Platform as well as moral imperatives associated with women's equality issues. Along with the WCTU, they played a key role in a continuing campaign.

The Continuing Campaign

The new independent People's Party created a crusade-like fervor for reform that was perhaps unparalleled in Kansas history. With used printing equipment relatively easy to acquire, this fervor set the stage for a proliferation of reform journalists, including an unprecedented number of women. The agrarian-labor cause was advocated by three women editors in the 1880s and twenty in the 1890s.⁶¹ There were also many women journalists who, while not editors, regularly contributed articles to reform newspapers. Reform editors and journalists are an untapped source of analysis regarding the age-of-consent campaign. Along

61. This compilation of the data showing the increase from three women editors to twenty in the 1890s is based on my research that has uncovered a list of female editors, most of whom have not been cited by historians.

with the continuing efforts of the WCTU, they kept the reform issue alive throughout the 1890s and into the twentieth century.

Two distinct approaches emerged. The Kansas WCTU chose a conciliatory approach to the senators involved in the 1889 attempt to lower the age of consent, while editors associated mainly with the new People's Party carried out extensive shaming of the senators.⁶² As the WCTU has been more studied, this article concentrates mainly on the publications of the Populist reform press. Editorials written by William Champe of Garnett, Kansas, and Charlotte Ingersoll Tucker of Minneapolis, Kansas, are representative of the strident Populist approach. Not all Populist journalists adopted this personal campaign of shaming; some took an approach closer to that of the WCTU, but many more were critical than conciliatory. Some reform editors, such as Champe, editorialized and analyzed women's history and theories of gender difference, evolution, and heredity that countered views of women's inferiority commonly voiced by scientists in the late nineteenth century. They also promoted fictional accounts that aimed to generate sympathy for girls and young women. For example, a Kansas work of fiction titled *The Dead Line* by Gaspar C. Clemens made age-of-consent issues part of its larger emphasis on reform. In short, Kansas reform editors contributed a great deal to the shaping of this campaign.

There were reasons to continue the campaign in Kansas. To many, the memory of how easy it had been for a group of senators to pass a downward revision—without much public knowledge until it was done—served as a warning of the need for vigilance. In fact, Senator Moody again raised the age-of-consent issue in the senate judiciary

62. *Our Messenger* editor Olive Bray barely mentioned the actions of the 1889 senators throughout the 1890s. *Our Messenger* consistently supported age-of-consent legislation but chose not to mention the state senators who had advocated for Senate Bill No. 35. In her only reference to Senator Moody during the 1890s, Bray called him a "gentleman" while proceeding to emphasize the reasons for the WCTU's support of age of consent as a matter of equality for both boys and girls, implying that protecting girls in essence protected young boys. See "Age of Protection," (Topeka) *Our Messenger*, February 1, 1891.

committee in 1891, but it went nowhere.⁶³ Although Governor Lyman Humphrey had largely remained silent when the 1889 senate had attempted to alter the law, he spoke about its injustices after he was reelected in his early 1891 message to the legislature, using the same arguments as those used by the senators in 1889. The governor's indication of support may have encouraged Moody to try again. Above all, reformers sought to discourage the reelection of any senator who had voted for Senate Bill No. 35. They remained wary that conservative Republicans might try again to impose an age reduction, and they utilized their presses to continue the strident criticism of the senators who had supported the 1889 bill.⁶⁴

Another factor that motivated reform editors to continue age-of-consent publicity was undoubtedly their realization that Kansas could continue to serve as an example to other states. In an era in which many Kansans keenly felt the disapproving gaze of eastern eyes and the power of eastern monied interests, reformers could point to municipal suffrage and age-of-consent upward revision as examples of their progressivism. They were well aware that state campaigns as well as the national campaign routinely featured comparisons between states.

The most strident Populist editors liked to remind their audience of the reprehensible actions of the 1889 senators. Populist editor Champe of the *Garnett Kansas Agitator*, using a recently reported gang rape in Aliceville in 1891, not only condemned the young men who had committed the crime but linked their actions to the 1889 politicians, editorializing, "Are they [the three young men] any worse than the members of the Kansas state senate who voted to reduce the age of consent? Are they any worse than the governor who recommended such change in the law? Can decent people endorse

such action?"⁶⁵ It was a reminder to be wary of certain men of any age.

Champe was also alarmed by Governor Humphrey's public support for revising the age-of-consent statute. His critique aimed to shame the senators and governor in very personal terms. He was not alone; shaming was utilized at all levels of the campaign—local, state, and national. Others simply demanded that the senators resign or spoke out against their reelection. In 1890, the Farmers' Alliance of Norton County passed a resolution demanding the resignation of F. M. Lockard, state senator from the Thirty-Fourth District, who had voted for the reduction.⁶⁶

Editors on both sides continued to refer to the failed 1889 senate bill well into the 1890s. Five years later, the *Wilson County Citizen* complained that some newspapers and individuals were taking a stand against the election of former state senator Snyder S. Kirkpatrick as Kansas congressman from the Third District solely on the basis of his vote to lower the age of consent in 1889. The continuing attacks on these senators forced papers such as the *Wilson County Citizen* to rehash the same arguments they had made in 1889, to the effect that the senators had been greatly misunderstood by the public; they had intended to reduce the age to sixteen, not twelve, and they had considered only the best interests of young men who needed protection against "vicious and abandoned young women."⁶⁷ Kirkpatrick failed to obtain the Republican Party's bid for Congress in 1892, but he secured it in 1894 and served one term in the House of Representatives. This is not to suggest that the senators' future elections came down to the issue of age of consent; most elections are the result of complex interplays of various factors.

65. William Champe, "A Hellish Crime," (*Garnett Kansas Agitator*, April 28, 1891.

66. "Governor's Message." William Champe, born in 1856, spent his entire career in the newspaper business in Kansas. Anna Champe, his wife, published *The Sunflower*, a suffrage newspaper, from mid-1893 until mid-1894 and then joined her husband as coeditor of the *Kansas Agitator* in September of 1894; *Whiting Weekly News*, April 19, 1890.

67. "The Age of Consent Bugaboo," (*Fredonia Wilson County Citizen*, October 19, 1894.

63. "Age of Protection."

64. For example, an Alliance newspaper editorialized that although age of consent was not mentioned in the Republican platform, Republicans would try to accomplish a reduction "stealthily," as they had in 1889. See (Westmoreland) *Alliance News*, July 8, 1892; see "Governor's Message," *Lindsborg News*, January 23, 1891, for Humphrey's address to the legislature.



Masthead of William Champé's *Kansas Agitator*.

In the 1890s, opponents of age-of-consent laws continued to publicize the threat of blackmail by sex workers, yet their charges were often purposely vague. They provided little evidence, and the bits of evidence they did present misrepresented their claim. The *Wilson County Citizen* claimed that all judges in Kansas had experienced cases of “vicious and abandoned young women” trying to convict men under the new law. However, only one case, which had come before Judge West in Fort Scott, was actually named.⁶⁸ An examination of that case reveals that it was not an age-of-consent case but rather a controversial divorce case that involved supplementary testimony by two girls considered to be prostitutes who had had affairs with the defendant husband and his friend. The legal decision revolved around granting a divorce, not a conviction based on age of consent.⁶⁹

Although the 1889 senators provided a common target, reformers often scrutinized the behavior of any politician who became embroiled in behavior they deemed unbecoming. Charlotte Ingersoll Tucker kept up the pressure on politicians as sole editor from 1893 to 1901 of the *Review* in Minneapolis, Kansas. Born in 1847, she came to Kansas with her family as a young girl, married H. H. Tucker in

1870, and had nine children. In addition to being a journalist, she was a teacher and a well-known orator.⁷⁰ As editor, she published many articles on Kentucky congressman W. C. P. Breckenridge. In 1894, a court in Washington, DC, awarded Madeline Pollard \$15,000 after her fifteen-year consensual relationship with Breckenridge ended with him marrying someone else. Although the court case did not involve age-of-consent charges (the issues were seduction and failure to fulfill a promise to marry), dramatic testimony by Pollard revealed that “Breckenridge enticed Miss Pollard away from school when she was still wearing short dresses and her hair plaited down her back.”⁷¹ Tucker surely recognized the complexities of the case, yet she utilized the age difference between Breckenridge and Pollard to continually emphasize her disgust with the immoral manner in which a “grey-haired” politician such as Breckenridge utilized his power and money.

Tucker continued to remind her audience of Breckenridge throughout the 1890s and even as late as 1900, six years after the trial. She utilized the publicity surrounding Breckenridge, equating him with Kansas politician J. R. Burton by calling Burton the “Kansas Breckenridge.” She may have been referring to stories that he had set up women in a rented house in Topeka to “entertain” his colleagues while he was a state legislator in the 1880s.⁷² She found it incredible that the leading Republican paper of the state, the *Topeka Capital*, defended the double standard and Burton when it commented, “It matters not what Mr. Burton’s private record may have been in the past. He is a grand representative of the young republicans of Kansas.”⁷³ Tucker responded by sarcastically referring to the Republican Party as the party of “God and morality.” In 1901, she also criticized

70. “Colorful Pioneer Figure Lost in Death Tuesday,” *Kiowa County (OK) Star-Review*, June 1, 1939.

71. “Breckenridge the Beast,” (Minneapolis, KS) *Review*, March 29, 1894.

72. Charlotte Tucker, *Review*, January 18, 1900; R. Alton Lee, “Joseph Ralph Burton and the ‘Ill-Fated’ Senate Seat of Kansas,” *Kansas History* 32, no. 4 (Winter 2009–2010): 250.

73. *Topeka Capital* quoted in the *Review*, February 4, 1897.

68. “The Age of Consent Bugaboo.”

69. “No Divorce Granted,” *Fort Scott Weekly Tribune*, October 12, 1893.

the unlawful financial arrangements that Burton undertook to obtain his election as a U.S. senator.⁷⁴ Indictments for these financial activities ultimately forced Burton's resignation in 1906; his case went to the U.S. Supreme Court, which ruled against him. Burton has the dubious distinction of having been the first senator in U.S. history to be convicted of a criminal offense while in office.⁷⁵ By this time, Tucker had moved to Oklahoma and was no longer an editor, but she undoubtedly heard the news.

A sampling of Populist women editors' comments on age of consent shows a stridency toward the 1889 senators that matched that of William Champe and Charlotte Tucker; these writers included Annie Leftwich, Mary J. Hilmes, Mattie Convis-Hicks, and Maggie Case. Journalists called Senator H. B. Kelly of McPherson County, who had introduced the senate bill in 1889, "Age of Consent Kelly" and attached this moniker to any news of him throughout the 1890s. Coeditor Mary J. Hilmes of the *County Capital* referred to "age of consent Kelly, the man who two years ago this winter, with his age of consent bill, heaped [sic] more enduring insults upon the women of the state of Kansas, than ever before by any other individual."⁷⁶ Perhaps the most sarcastic entry occurred in a reprint from the *Custer Beacon* by Annie Leftwich stating that Republicans "mayest commit political adultery, and . . . mayest pass twelve year old age of consent bills: for is not a girl twelve years old a woman? Verily I say unto you she is old enough for a Kansas senator."⁷⁷ Most readers would have readily understood this denigrating reference to the 1889 senators.

The Populist editors' sharp criticism of the 1889 senators tended to force reform-minded Republican editors, who had themselves strongly criticized the senators in 1889, to mute their criticism in the 1890s. Partisan loyalty became paramount to Republican editors such as Ollie (Olive) and John

Royce of the *Phillipsburg Dispatch*. When Senator Kirkpatrick ran for reelection in 1892 and again in 1894, they made no mention of his connection to the 1889 fiasco and enthusiastically reported on his campaign. However, they focused attention on the sexual double standard for women and cited the value of their role as editors in raising this issue to their reading public: "We heartily endorse the sentiments . . . concerning the injustice of public sentiment toward the girl or woman who sins compared to the way the sins of her betrayer are looked upon."⁷⁸ They sounded like Champe and Tucker in this respect, adding their voices to a larger collective focus on men, not women, as the problem.

Editors utilized fiction in addition to editorials and reports on age-of-consent legislation to generate sympathy for the reform cause. The most important national work of fiction, *Pray You Sir, Whose Daughter?*, written by Helen Hamilton Gardener and published in 1892, featured a common conception that middle- and upper-class women played crucial roles in the "rescue" of young girls caught in unfortunate circumstances. Referred to as the "Uncle Tom's Cabin" equivalent of the movement by Elizabeth Cady Stanton in the book's preface, this work also promoted the trope of older men as the culprits.⁷⁹ In the novel, the man was at least twenty years older than the young girl who became pregnant and later died.

In Kansas, Clemens's fictional work titled *The Dead Line* featured different scenarios of rescue and culpability. First published in 1894 and 1895 as a serial story in the *Topeka Advocate*, a Populist newspaper, the story involved fictional Kate Cotterell, a reporter for a Republican newspaper, who exposed the dishonorable young college student Clarence Diegal for bribing the police to arrest the mother of his out-of-wedlock child so that he would not have to pay child support. Kate's

74. Charlotte Tucker, *Review*, January 17, 1901.

75. Lee, "Joseph Ralph Burton," 263.

76. Mary and John Hilmes, "Republican Scheme Flattened," (St. John) *County Capital*, October 30, 1890.

77. "Ingalls' Decalogue," *Larned Eagle-Optic*, December 12, 1890.

78. *Phillipsburg (KS) Dispatch*, September 13, 1894; *Phillipsburg Dispatch*, May 9, 1890.

79. Elizabeth Cady Stanton, preface to *Pray You Sir, Whose Daughter?* by Helen Hamilton Gardener (New York: R. F. Feno, 1892), vi-vii.

publication of the story as well as her subsequent enlistment of legal help to defend the young mother resulted in Diegal, the son of a wealthy Missouri family, fleeing to Mexico. Kate was from a lower-class impoverished farm family, and the story opens with her employment as a domestic servant.⁸⁰ Because she is a member of the working class, her assistance of an out-of-wedlock mother presents a different model of rescue than the predominant Victorian view of middle- and upper-class women rescuing “fallen” women.

Clemens wrote his “novel of agrarian and labor protest” to persuade his contemporaries that fundamental social reform was needed.⁸¹ As such, it dealt with a myriad of reform topics that the independent party advocated, including land, transportation, finance, and political reforms as well as women’s equality issues. Clemens was a lawyer by occupation and politically a Populist-turned-Socialist in the 1890s and early twentieth century. Historians Michael J. Brodhead and O. Gene Clanton call Clemens the most “delightfully peculiar” of all the late nineteenth-century reformers, while R. Alton Lee and Steven Cox term him “the empathetic socialist” due to his genuine concern for all people and his willingness to take on pro bono legal work.⁸² His sympathy with women’s equality issues is evident in many ways in this work, but in connection with age of consent, his fiction provides alternative scenarios to those blaming wealthy older men while portraying middle-class women as rescuers. His fiction demonstrates sympathy for the circumstances of an out-of-wedlock mother and features help for her; there is no hint of any

80. The *Advocate*, the official state paper of the Kansas People’s Party, claimed exclusive publication of “The Dead Line” by Gideon Laine, a pseudonym for Gaspar C. Clemens. The first installment was published on January 19, 1894. Clemens was a constitutional lawyer, and when he wrote this story, he was serving as legal adviser to Kansas governor Lorenzo D. Lewelling.

81. Michael J. Brodhead and O. Gene Clanton, “G. C. Clemens: The Sociable Socialist,” *Kansas Historical Quarterly* 40, no. 4 (Winter 1974), www.kshs.org/p/g-c-clemens-the-sociable-socialist/13248.

82. Brodhead and Clanton, “G. C. Clemens”; R. Alton Lee and Steven Cox, *When Sunflowers Bloomed Red: Kansas and the Rise of Socialism in America* (Lincoln: University of Nebraska Press, 2020), 45–72.

effort to control the sexuality of the out-of-wedlock mother or to pass judgement on her.

Editor Champe went beyond reporting on local cases and critiques of politicians; he provided explanations of gender difference to argue that attention should be redirected from fallen women to fallen men. In an article titled “Fallen Men,” he asked why people were always concentrating on fallen women and remaining silent about fallen men. After all, “there are a hundred fallen men to one fallen woman, and in fact it is the multitude of fallen men that leads to so large a number of fallen women.”⁸³ His article identified the original fallen men as the hypocritical Pharisees who wanted the adulterous woman stoned and never exhibited remorse for their behavior.

Champe’s article challenged a nineteenth-century view that women’s evolution had been largely stagnant and that women did not exhibit the variability that allowed men to achieve a higher state of evolution and existence. His worldview combined elements of science and rationality with faith, a common mix for many reformers. In this instance, he may have pragmatically chosen the biblical example since many of the scientists and sexologists of the day explained sexual difference and evolution in terms of women being backward and unchanging. Darwin traced sexual difference to evolutionary theory and maintained that men had evolved further than women since they had had to evolve characteristics to attract women in the competition for mates. The age-of-consent debate coincided with publications by sexologists, many of whom agreed with Darwin’s view. In *The Evolution of Sex* (1889), Patrick Geddes and J. Arthur Thomson maintained that although women perpetuate heredity, variations are introduced by the male.⁸⁴ The *Kansas Agitator’s* defense of women articulated a counterview that utilized scriptural evidence that women had early learned the Christian precept

83. William O. Champe, “Fallen Men,” *Kansas Agitator*, January 5, 1893.

84. Lucy Bland and Laura Doan, eds., *Sexology Uncensored: The Documents of Sexual Science* (Chicago: University of Chicago Press, 1998), 11–12, 14–17.

of penitence. Women had evolved in response to Christ's message, whereas men had not; men were still "hardened, blood-thirsty brutes," behaving the same way as the Pharisees had four thousand years before.⁸⁵

Champe did not refer to the prevailing evolutionist views of the day in this article, but as an editor and an avid reader of contemporary publications, he was well aware of contemporary scientific and social Darwinist points of view. Populists were critical of social Darwinism; they rejected the notion of survival of the fittest, equating it with extreme wealth disparities and inhumane capitalism. A typical comment published by Champe in 1891 from "Welda Farmer" (probably a pseudonym) stated, "Darwin's theory of survival of the fittest means, in Wall Street, the survival of the richest."⁸⁶ It would not have been much of a stretch for Champe to extend this critique of evolution to society's treatment of women. That Champe in effect elucidated a counternarrative to the scientific voices of the day demonstrates the fluidity of the debate at the local level as well as his firm commitment to justice and dignity for women.

In the 1890s, nationally prominent reformers aided the Kansas campaign. Led by Emily and Elizabeth Blackwell, Aaron Powell, Benjamin Flower, Frances Willard, and Helen Hamilton Gardener, they provided significant contributions on two fronts. First, they wrote articles in national publications, including the *Arena* and *Philanthropist*, where they publicized and guided the movement's ideology. In doing so, they enlisted a growing cadre of professionals, including physicians who elaborated on the favorable health and heredity consequences of upward age-of-consent revisions. Second, their national perspective allowed them to assume a central vantage point that they utilized to collect, track, and publicize legislative results. Reformers' utilization of the tactics of comparison and shaming benefited from this national perspective.

85. Champe, "Fallen Men."

86. Welda Farmer, "Our Prosperity," *Kansas Agitator*, December 8, 1891.

The efforts of Helen Hamilton Gardener in 1894–1895 especially stand out.⁸⁷ She authored six of the seven articles on age of consent published in *Arena* magazine in that time frame, but it was the manner in which she utilized visuals such as maps and "blacklists" as well as the interactivity of her approach that set her apart, making it unique and effective. She coordinated the responses of thousands of politicians and others on both sides of the age-of-consent topic, and she utilized maps and charts to communicate legislative progress. An example of one of her maps is shown here with the age set by each state in 1895. Her visual provided a valuable national snapshot that no one ever attempted to construct at the state level.

In effect, Gardener conducted herself as the de facto national gatekeeper for age-of-consent legislation. She examined the verbiage of state statutes so that she could inform her public if a state had not truly revised its age-of-consent law but claimed it had, as was the case with Delaware, Tennessee, and Mississippi. That these states wanted to present themselves as progressive and modern in claiming to be part of the campaign shows the effectiveness of the campaign's tactics of comparison and shaming; reformers employed these tactics at all levels of the campaign. Gardener utilized the *Arena* to widely publicize which recalcitrant states were on the "blacklist" in terms of passing upward age revisions.⁸⁸

After 1900 and until the end of the national campaign in 1920, the Kansas campaign took on less strident overtones as the Populist Party faded away. Many former Populists became either Socialists or Progressives. The WCTU and

87. Helen Hamilton Gardener, her chosen pen name, was born Alice Chenoweth in Virginia in 1853. She moved to Indiana and then Ohio, where she was a teacher in Cincinnati. There she experienced the sexual double standard when she was forced to quit her teaching position due to an affair with a married man. She then embarked on a reform career that included lecture tours, journalism, and fiction writing, all in the service of women's equality issues. See Kimberly A. Hamlin, *Free Thinker: Sex, Suffrage, and the Extraordinary Life of Helen Hamilton Gardener* (New York: W. W. Norton, 2020), 40–50.

88. Helen H. Gardener, "A Battle for Sound Morality: Final Paper," *Arena* (November 1895): 401, 411.



Helen Hamilton Gardener's 1895 map of the progress of age-of-consent legislation, as it appeared in Arena in November 1895.

reform editors followed, and reported on, the progress of legislation in other states. In 1914–1915, Progressive editors especially commented on the failure of many southern states, particularly Georgia, to pass upward revisions (most did by 1920, but Georgia chose to revise its age only to fourteen when sixteen or eighteen characterized most of the nation).⁸⁹ In the late 1890s, the urgency of combating the 1889 senators abated. The WCTU attempted to follow through on a point persistently made by its opponents, and with which it agreed, that young boys should be equally protected, but no legislation materialized.⁹⁰ After the turn of the century, attention focused on attainment of full suffrage. The passage of suffrage in Kansas in 1912 undoubtedly helped to reassure reformers that they could mount a defense against any future backlash.

Conclusion

While recognizing that late nineteenth-century

and early twentieth-century reformers were often supporters of many reform efforts, it is useful to focus on one aspect of women's equality—age of consent, a reform that was broadly supported by many groups and individuals in Kansas around the turn of the century. Diverse voices and personalities within Kansas reveal a complicated interplay of tactics, politics, and ideologies that characterized the reform campaign in Kansas and its relationship to the national campaign. It is not uncommon for differences in tactics, politics, and worldviews to exist within a reform movement, and there is a need to account for the outlines of such differences. The lived experience of these reformers may indeed have been even more complicated than portrayed here. One distinction is between the more conciliatory approach of the WCTU as opposed to some of the more strident voices of the reformers who belonged to the People's Party. While the WCTU was indeed crucial to the initial passage of the 1887 upward revision, the reform editors of the People's Party, including over twenty women editors in Kansas, added their voices to

89. "The Age of Consent," *Wichita Beacon*, August 31, 1915; *Marquette (KS) Tribune*, March 5, 1914.

90. "W.C.T.U. Resolutions," (Lawrence) *Daily Gazette*, May 17, 1912.

that of the WCTU, playing an important role in the 1890s continuing campaign that was fueled by the lessons of 1889 as well as an awareness that reformers in other states were paying attention to Kansas as the standard for legislation.

Despite the tensions between reform and reaction in many states, overall, the national campaign remarkably achieved results in a far shorter time than did most other woman's reform campaigns. In 1885, the age of consent in most states and territories stood at ten or twelve, and within this mix, ten was predominant. By 1920, twenty-one states had revised their legal codes to specify age eighteen, and twenty-six states had set the age of sixteen. The lowest, Georgia, had set the age of fourteen. These results were significant compared to the predominant baseline of age ten in 1885.⁹¹

The age-of-consent campaign's shorter duration can be attributed to an interplay of many factors, including the shock generated by the Stead exposé; a receptive American public facilitated by a proliferous network of printed media; the well-honed organizing abilities of the WCTU and other groups; and the federalism of the American experience, which enabled reformers to effectively use the power of comparison and shaming. Additionally, the emotional appeals based on girlhood and childhood may have attracted a portion of the population who saw merit in the age-of-consent campaign but may not have supported suffrage. In Kansas, the context of this campaign also must include the emergence of the new independent People's Party and its reform journalists, including a growing cadre of women journalists who added their voices to those of the reformist Republicans responsible for the passage of the new law.

Developing trends of increasing numbers of women entering the labor force, new forms of lei-

sure, an increasing awareness of women's equality issues, and increasing sexual experimentation by women in the early twentieth century contributed to how age-of-consent legislation was actually utilized and interpreted in the early twentieth century. According to historian Mary Odem, these trends tended to collide with long-standing gender, class, and racial biases among officials, jurists, lawyers, and others who administered and interpreted age-of-consent laws. As Odem points out, reformers often had little say regarding how age-of-consent laws were actually enforced, and "the law was used to humiliate and punish young women who did not conform to dominant standards of female respectability." She notes that twentieth-century Progressives differed from nineteenth-century reformers in their increasing emphasis on empirical research, sociological investigation, and a shift in focus from the male seducer to the home and social environments as the central problem of female immorality.⁹²

In many respects, Kansas reformers were already well aware of the complexities of age of consent and grappled with its imperfections. Their editorial content demonstrates that they saw, and analyzed, the complexities involved—poverty, adolescence, women's equality, prostitution, evolution, and heredity—and left a rich and varied discourse that both supplemented and complemented the national campaign. Reform editors combined their efforts with that of the Kansas WCTU to beat back the 1889 challenge to the reform campaign. Reformist-oriented Republicans, responsible for the 1887 reform, benefited from the proliferation of reform editors who joined the newly emerging People's Party. In this case, political volatility actually contributed to the continuing campaign in Kansas, ensuring that the state would not again experience anything like the 1889 senate challenge. [KH]

91. Odem, *Delinquent Daughters*, 14–15.

92. Odem, *Delinquent Daughters*, 24, 94–127, 185–89.