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Spring 4-1-2011

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Recommended Citation

Jennifer L. Adams, "Lafayette's Trial of the Nineteenth Century: The Scandal, Rumor, & Politics of Mrs. Helen J. Gougar," *Traces: Indiana History Magazine*, Spring 2011.

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LAFAYETTE'S TRIAL OF THE NINETEENTH CENTURY

The Scandal, Rumor, and Politics of HELEN M. GOUGAR

JENNIFER ADAMS

Photographs courtesy of Tippecanoe County Historical Association, Lafayette, Indiana

When Helen Gougar died in 1907, a newspaper in her hometown of Lafayette, Indiana, described her as “a remarkable woman [who] thrived on antagonism, knew not the meaning of fear, and had all the zeal of a martyr.” Gougar earned her reputation as an advocate for temperance and women’s suffrage due to her sharp, unapologetic essays and speeches. Yet, despite her conspicuous participation in both regional and national politics, the event that propelled Gougar into the national spotlight was a scandalous civil trial—the results of which had the potential to destroy or enhance her credibility and that of her causes.

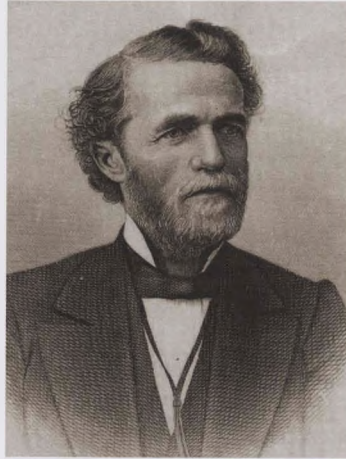
In 1882 Gougar brought suit against Lafayette sheriff Henry Mandler, charging him with slander as the source of a rumor of an adulterous affair between herself and a local political aspirant, W. DeWitt Wallace. Gougar asked for thousands of dollars in damages, but political capital and the power to sway public opinion in favor of the liquor trade or temperance in the minds of the citizenry was the true prize. It was the content of the trial, rather than its political import, however, that drew a large crowd of citizen and media observers, who consumed with relish each lurid detail of alleged sexual impropriety against the temperance-minded suffragette.

Born on July 18, 1843, and raised in Litchfield, Michigan, Gougar was educated at Hillsdale College for Women before moving to Lafayette to accept employment in the public schools. According to her own recollections, she first entered the public sphere in Lafayette as a temperance worker: “I first commenced in public life with the reading of an essay at the commencement of the YMCA. . . . I [was] connected with temperance long before I was connected with woman’s suffrage.” Like many others Gougar soon recognized that women could hardly accomplish the goals of temperance without full representation in government, so she became active in local suffrage gatherings. She quickly emerged as a leader in local female politics and by 1878 had her own newspaper column, a weekly feature in the *Lafayette*

Helen M. Gougar appeared before the Indiana Supreme Court in 1897 to argue on behalf of suffrage for women. Judge James McCabe said Gougar made “one of the most forcible, logical and concise legal arguments ever made before this court. Not one man in a hundred acquits himself so well.”

Daily Courier. Called “Bric-a-Brac,” the column, which ran for two years, included Gougar’s own writings and speeches as well as the work of other men and women sympathetic to the temperance and suffrage causes.

In her newspaper essays Gougar demonstrated both the intelligence and unapologetic style that became her trademark. For example, in one issue, she argued that “the first thing a woman must do, if she has ambition and opportunity to do much else than wash dishes, tend babies and gossip, is to encase her sensitive nature in an alligator skin, metaphorically speaking.” Her arguments for women’s rights often appealed to common sense and legal reasoning, and with these she propelled herself to leadership positions in both the temperance and suffrage organizations. In 1880 Gougar hosted an equal suffrage convention in Lafayette, where Susan B. Anthony gave the keynote address. The following year, Gougar also organized a Woman’s Christian Temperance Union meeting in Lafayette. In addition to planning and hosting these events, Gougar was also a noted speaker at each. Yet, these meetings and conventions were not her only public platforms, and in 1881 she became the owner and editor of her own temperance and suffrage newspaper called *Our Herald*. Also that year Gougar elevated herself to a prominent position in grassroots politics on both the state and national levels, and she was poised to in-



The supposed romance between W. DeWitt Wallace (left) and Gougar (right) led to a court case that drew national attention. Gougar firmly believed that the right to vote belonged “by nature, to every person of responsible age and mind, regardless of color, race or sex.”

fluence change in the laws of Indiana that discriminated against her sex.

As a married woman in Indiana, Gougar enjoyed few of the rights granted to male citizens of the state. Before 1873 women were ineligible to hold any public office, whether elected or appointed; when a bill was passed to allow women to serve the state, it included a broad, ambiguous caveat that excluded “women who shall labor under any disability which may prevent them from binding themselves by an official bond.” Unless their husbands were declared legally insane or otherwise “unsound,” married women had no right to sell or to own property, to enter into any business contract, or to sue another in court for damages until legislation ended these restrictions in 1879. Women were also excluded from the right to vote in any election held within the state for federal, state, or municipal candidates. Indiana’s women, however, had plans for legislation

that would win them that right as well.

In 1881 Gougar attended the American Woman Suffrage Association yearly convention, where attendees were encouraged to focus their efforts toward trying to secure the electoral ballot for women on a state-by-state basis. When she returned home, Gougar earnestly began to work toward accomplishing this goal, with the full support of the Indiana Woman’s Suffrage Association, as well as other Indiana suffrage organizations. Specifically, the women of the state directed their efforts toward promoting the passage of two separate bills in the state legislature. The first of these bills allowed women to vote in selecting presidential electors in Indiana. The second would immediately amend the state constitution to enable women to vote in all elections. Gougar spearheaded the campaign to lobby for both bills, and she coordinated research to determine if extending the electoral ballot to women would violate the Indiana Constitution. In the course of this research she consulted Wallace, a prominent Lafayette attorney, and asked him to write an opinion on the constitutionality of allowing Indiana women the vote. He produced a lengthy argument supporting the constitutionality of such an act, and the association printed and distributed five thousand copies of Wallace’s work. From the moment of this publication, Wallace publicly aligned him-

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Looking east on Main Street from Second Street, Lafayette, Indiana, circa 1880s.

self—for better or for worse—on behalf of women's suffrage.

Supported by the Wallace document, Gougar and Indianapolis suffrage advocate Mary E. Haggart addressed members of the Indiana House and Senate on consecutive days in February 1881, urging them to support the bill allowing women to vote for presidential electors. However, the legislation was ultimately voted down. Undaunted by this setback, Gougar lobbied the state legislature to amend Article II, Section 2, of the state constitution by supporting a bill that would allow women the right to vote in all elections. On April 7, 1881, members of the House voted 62–24

in favor of the bill, and it also passed the Senate by a 25–18 margin. However, in order for the bill to be enacted, it first had to be passed through the 1883 legislature before being sent for a decision by the voters of the state. As a result, all suffrage activity for the following two years was directed toward securing the election of an Indiana General Assembly that could be counted upon to support the submission of the bill to Hoosier voters.

Gougar began working toward this goal by campaigning for Republican candidates in the 1882 elections, and she was employed by the Republican Party as a speaker-advocate for specific candidates.

She canvassed Tippecanoe County on behalf of the Republican candidate for state representative, Wallace, who ran on a platform that gave prominence to his support of women's suffrage and temperance. In his campaign for the legislature, Wallace encountered a great deal of political resistance from the Indiana Liquor League, which supported Democratic candidate Francis Johnson.

Despite a fierce campaign, Wallace and most other Republican candidates for the legislature were defeated by Democrats, who generally opposed women's suffrage, ensuring that the amendment to allow women the vote would be killed through



Above: Helen and John Gougar relax in the study of their Lafayette home, circa 1900. Opposite: A view of Lafayette from Main Street, circa 1870s.

inaction. This loss was politically devastating for the advocates of women's suffrage, but it was also personally devastating for Gougar. Her candidate had lost the election, and pundits were suggesting that his loss was due to Wallace's affiliation with woman's suffrage and temperance in general, and with Gougar in particular. Furthermore, members of the Liquor League created a parade float that featured in effigy of a partially-clothed Gougar with her foot on the throat of a prostrate Wallace, and they drove it through the streets

of Lafayette to celebrate the Democratic victory. Bystanders jeered and pummeled the Gougar and Wallace characters with tomatoes and eggs.

Soon after the election, Gougar discovered that she and Wallace were subjects of a scandalous rumor of sexual infidelity. This rumor, circulated around town, threatened to ruin her credibility as a political agent. When Gougar traced the rumor to newly appointed Sheriff Mandler, she immediately filed a civil suit against him for slander to her character,

asking for damages of \$10,000. Although the suit was brought by Gougar, the events of the trial soon required *her* to defend herself against accusations of having a depraved or adulterous character.

According to his court testimony, Mandler was an Irish immigrant who had lived in Cincinnati, Memphis, and New Orleans before moving to Lafayette, and he honorably served several different regiments during the Civil War. Before becoming sheriff, he supported himself alternatively as a saloonkeeper and a

barber. Prior to the elections of 1882, Mandler and many others affiliated with the local liquor trade organized to support the Democrats. Most Democrats were opposed to women's suffrage, due to its often explicit affiliations with the temperance movement. Gougar, like many other suffragists, had strong ties to the WCTU and fully acknowledged that her primary motive for advocating the female vote was ultimately to enact prohibition of alcoholic beverages. Recognizing Gougar as a political enemy, Mandler used his new position of power in the Democratic administration of the city to continue his antagonistic relationship with her, and he chose rumor and character assault as his weapon. He readily admitted that he was the source of the rumors. Gougar, recognizing the damage being done to her political image and credibility, chose to pursue the matter through the courts—a very public venue.

Circuit Court Judge John Gould of Delphi, Indiana, called *Gougar v. Mandler* to order on January 23, 1883. "The event of many seasons would not be an inappropriate title for the celebrated case of

THE RUMOR FUELING THIS SCANDALOUS TRIAL PURPORTED THAT SEVERAL DAYS AFTER THE ELECTION, ON SUNDAY, NOVEMBER 18, GOUGAR ENTERED WALLACE'S LAW OFFICE, WHERE SHE REMAINED FROM 8 P.M. UNTIL MIDNIGHT WITH THE SHADES DRAWN.

Helen M. Gougar vs. Harry Mandler, which elevated its hydra-headed and hideous shape above the legal horizon in the Circuit court this morning, and surrounded with its rank and poisonous atmosphere, started in its tortuous course through the labyrinths of the law," a local newspaper reported. In spite of the local media's outward contempt for the taboo topics on display in the trial, audiences swarmed the courthouse each day and seats inside the courtroom were prized possessions throughout the eleven weeks of proceedings.

The rumor fueling this scandalous trial purported that several days after the election, on Sunday, November 18,

Gougar entered Wallace's law office, where she remained from 8 p.m. until midnight with the shades drawn. Social mores of the day deemed it highly inappropriate for an unescorted woman to be alone with a man. Gougar adamantly denied these claims. Her defense attorneys argued that she was not at Wallace's office that evening and that the rumor amounted to slander of her public character. Rather than deny spreading the rumor, Mandler's attorneys conceded their client had done the act. However, they did offer an unexpected defense. They argued that Gougar possessed a depraved and adulterous disposition and therefore the rumors spread about her were not slander. In the first of many courtroom dramas, Gougar's attorneys objected to the Mandler defense on the grounds that Gougar's overall character was irrelevant to the charge of slander, which was specific to the events of November 18. However, the judge ruled with the defense, opening the door to their literal horde of witnesses, all called to testify to the unchaste behavior of one of the leading suffrage and temperance leaders in the country.

The defense called 133 witnesses and their testimony combined to construct a portrait of Gougar as a woman who publicly flaunted her lengthy ardent relationship with political aspirant and attorney Wallace. Many of those who testified were close to Gougar, both personally and professionally. For example, one of the early witnesses for the defense included



a hired servant, Mary Simms, who lived with the Gougars while employed as their household assistant. Simms testified that while Gougar's husband, John, was away on business on April 27, 1882, Wallace stayed the entire night at the Gougar home, leaving the following morning. In another example, Doctor Pofer, a noted Lafayette physician claimed under oath that he had seen Gougar and Wallace alone together on May 31, 1880, at the Republican National Convention. Even the mayor of Lafayette, F. E. D. McGinley, a Democrat, was called to the stand to discuss the rumors. Some witnesses for the defense also swore that Gougar had once rested her head on Wallace's shoulder on a train traveling from Chicago, while others simply described her base nature, which included speaking and writing about the politics of feminism.

This barrage of testimony was reported daily in many newspapers, which prompted a public debate of Gougar's chastity and appropriateness. The *Richmond Palladium* opined, "If she is not guilty of highly improper conduct in the recent past, she has been extremely reckless and indiscreet. A woman, especially one who figures in public as a lecturer and otherwise, cannot be too circumspect in her demeanor." Gougar was quick to fire back to charges such as

these in her own newspaper, and on February 11 the *New York Times* noted, "In her paper to-day, Mrs. Gougar publishes an editorial full of bitterness, charging the attorneys against her with drunkenness and the press of the city with being bribed, saying that \$1 or a glass of whisky would buy any of them, and similar triages."

Gougar's attorneys, a group that included her husband, called to the stand 127 witnesses to defend her character. Gougar attended the trial every day, and she took the stand twice to dispute the rumors put into record during the court proceedings. Those in attendance in the courtroom heard detailed, embarrassing stories of sexual impropriety that went beyond the mere innuendo in polite Victorian-era conversation. Lafayette's media reported on this "slop bucket" of testimony, making certain that the alleged improprieties of the famed suffragist were daily news. All this took a toll on Gougar. Fellow temperance advocate Francis Willard later wrote, "At forty years of age [Gougar's] hair was prematurely whitened by a bitter and hard-fought attempt to weaken her power, in political circles, by defamation."

In her attempt to put down a single rumor spawned by political differences, Gougar invited a barrage of attacks, any

one of which could seriously undermine the credibility of a female orator in the nineteenth century. Many women speakers of the day, including Gougar, claimed credibility on the subjects of temperance and suffrage by virtue of her pure womanhood. If this purity were tarnished, their ability to persuade in matters of morality and right would be permanently marred. The trial also served as a public platform in which Gougar's enemies in the liquor trade and their Democratic supporters took the opportunity to assassinate the character of one of their most ardent and energetic detractors. In fact, according to a report in the *New York Times*, four weeks into the trial "the brewers of Lafayette gave a ball, the proceeds of which were for the benefit of Maudler [*sic*] to aid him in his defense."

When the jury retired for deliberations on April 10, 1883, Gougar's personal reputation and her public integrity were both in question. At approximately noon on April 11, the jury found for Gougar and awarded her \$5,000 in damages, to be paid by the plaintiff. There is no evidence that Mandler ever paid Gougar any money, but Gougar was publicly vindicated in the charges brought forth against her character. Empowered by this victory, Gougar went on to fight virulently for temperance and women's rights in Indiana. In a move similar to Anthony, she also voted illegally in a test of the constitutionality of Indiana's suffrage laws. When fined, she sued the State of Indiana, once again for damages in the amount of \$10,000. This time, Gougar represented herself as a member of good standing in the Indiana bar. She argued against the constitutionality of the laws that excluded women from the rights of citizenship, and although she lost the case, her arguments were published in their entirety in newspapers throughout the state, giving priceless exposure to her views. She later authored a law granting municipal suffrage to women

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Lafayette's courthouse square in the late 1800s. The city is the county seat for Tippecanoe County.

in Kansas after conducting lengthy speaking tours around that state and others. Gougar died suddenly in 1907, eleven years before women were granted the vote by the Nineteenth Amendment.

Despite her many achievements, the national spotlight shone most brightly on Gougar when she was in the midst of a public trial about very private matters. The political enemies Gougar made with her sharp tongue were both clever and brazen, and the clash between them resulted in

a trial the *New York Times* described as “the most exciting suit ever in this State.” However, the topics of sex and rumor in *Gougar vs. Mandler* obscured what had been a virulent attempt by the liquor trade to silence one of the loudest and most persistent voices for prohibition. Gougar’s case serves to remind us that the politics of hate and character assignation have a long tradition in American public discourse, reaching back even to a small city in nineteenth-century Indiana.

Jennifer Adams is an assistant professor in the Department of Communication and Theatre at DePauw University. She has research interests in historic discourses such as letters and women's speeches, and she has shared this research in public workshops in Indiana and Illinois. She is also the author of several essays and conference presentations on these subjects. This is her first article for Traces. •

FOR FURTHER READING

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