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Jeanette E. Tuve

## Florence E. Allen, First Woman State Supreme Court Judge

The largest potential voting bloc in American politics is the women's vote, but it has never been consolidated effectively to support either candidates or issues. That the potential existed and could be used was dramatically illustrated more than sixty years ago when a Cleveland woman, Florence Ellinwood Allen, ran for judge of the Ohio Supreme Court against five male candidates and was elected with the support of a state-wide network of enthusiastic women. She was the first woman to be elected to any supreme court; she predicted that such elections would become commonplace. Her prediction has not come true, but perhaps it will, for the possibilities of women's voting power are even greater today than they were sixty years ago.

Allen's strength as a political candidate was rooted in the women's rights movement and the campaign for woman suffrage. The women's movement originated in the mid-nineteenth century as an outgrowth of the crusade to free the slaves, when some reformers advanced the idea that women as well as slaves were subject to inequalities in American society. The high point of the movement was reached in 1848 when Elizabeth Cady Stanton and Lucretia Mott called a convention in Seneca Falls, New York, to discuss the social, civil, and religious rights of women. Three hundred men and women attended the convention and adopted a Declaration of Sentiments modelled on the Declaration of

Independence. The document declared that men and women are created equal, but that women had been deprived of their inalienable right to the elective franchise, to representation in the halls of legislation, to equal participation with men in the various trades and professions, that they had been excluded from the ministry, and, if married, were considered "civilly dead." The goals were broad and unfocused; methods of achievement were unformulated. The organization was soon dissipated in the trauma of the Civil War.

The movement was revitalized in 1890 when Carrie Chapman Catt organized the National American Woman Suffrage Association. Its goals were clearly focused on a single issue and indicated in the name of the organization. A host of capable women joined Catt, most of them of middle-class, Protestant, north-European heritage, many of them with a talent for organization. The women by and large had the support of their male relatives, men who venerated the right to vote as the foundation of the only tolerable form of government.

The old argument that equality is woman's natural right persisted, but new arguments which could be politicized were added at the turn of the century. The Progressive Era was in full tide with its call for honest and efficient government responsible to the people. The cult of true womanhood was also

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in full tide, with its conviction that women were more moral and more pure than men and were guardians of the coming generation. Homemaking had been upgraded as a science of efficient management, a virtue needed in government: through suffrage, it was argued, women's moral superiority and housekeeping skills would contribute to honest and efficient government.<sup>1</sup>

Florence Allen was in the mold of the typical suffragist. Of New England Protestant stock, she was the descendant of families who had migrated into Ohio's Western Reserve in the mid-nineteenth century. Her maternal grandfather, Jacob Tuckerman, attended Oberlin College and was principal of New Lyme Academy, a coeducational college preparatory school in Ashtabula County. Her paternal grandfather, Edwin R. Allen, of the family of Ethan Allen, was a farmer, dentist, and justice of the peace in nearby Girard, Pennsylvania. Women in both families were educated. Allen's mother, Corinne Tuckerman Allen, was the first student to matriculate at Smith College and was a constant worker for social reform. Her father, Clarence Emir Allen, started his career as a professor of classical languages at Western Reserve Academy, but was soon lured by the opportunities of Utah. There he became a lawyer, managed several successful silver mines, and served in the Utah legislature and in the United States Congress. It was in Utah that Florence Allen was born in 1884, the third of six children.

Her early education was received in private Protestant academies and at home, where she was taught Greek, Latin, and music, and acquired an interest in law and politics. High ideals of social morality and perfectibility and individual responsibility for public service were acquired from her family. For her college education she returned to her father's alma mater, Western Reserve University, where she attended the Women's College and graduated in 1904 with a Phi Beta Kappa key and a remarkable record of activities in drama, music, literature, and social organizations.<sup>2</sup>

College-educated women of Allen's day thought of themselves as a new generation whose members had a greater variety of career options than women had ever had before. She was intrigued by the prospects of a career and explored several possibilities. She studied music for two years in Berlin with in-

tent to become a concert pianist, only to find that she was more successful as a music critic than as a performer. She taught at Laurel School in Cleveland for a few years. Teaching was a traditional profession for women but did not fulfill her expectations. She explored the possibilities of social work at Jane Addams's Hull House in Chicago and Lillian Wald's Henry Street Settlement in New York. Social work was new and idealistically purposeful but not financially rewarding. After a half-dozen years of psychological conflict about her future she decided to become a lawyer. As a profession the law met all her requirements. She had a very idealistic view of it, considering it the ethical basis of society and believing that to do justly was the highest human endeavor. It was financially rewarding and, perhaps most important, it was a challenge because the profession was dominated by men. Only 1.1 percent of practicing lawyers were women in 1910.<sup>3</sup>

Western Reserve University Law School refused Allen's application because it did not admit women, but in the fall of 1910 Allen was admitted to New York University Law School. NYU was unique in that it not only admitted women but encouraged them to enroll. It was among the five largest law schools in the country, and 12 percent of its students were women.<sup>4</sup> The women law students had an active organization and were among the charter members of the National Association of Women Lawyers, the purpose of which was to promote women in the legal profession. To support herself in law school Allen worked as secretary to Maud Wood Park, a leader in the woman suffrage movement.

While Allen was in law school the campaign for woman suffrage in Ohio began. In 1910 the voters of Ohio had decided to reform their constitution and bring it in line with the goals of the Progressive Era.<sup>5</sup> Forty-one amendments were proposed, one of which would extend the suffrage to women. A special election was called for September 3, 1912, to vote on the amendments. The Ohio Woman Suffrage Association was capably led by Harriet Taylor Upton, who was an old hand at politics and knew very well how difficult suffrage would be to achieve.<sup>6</sup>

Maud Wood Park opened the campaign in Cleveland in April 1912 with a great public rally in the Knickerbocker Theatre on East



Young lawyer Florence E. Allen in her Cleveland office.

84th Street, followed by organizational meetings in private homes along Prospect and Euclid Avenues. The women decided to use the new dramatic methods of mass public rallies and demonstrations which English suffragettes were using so effectively. Allen hastened to Cleveland as soon as law school was out to join the campaign. Their first effort was to rent a trolley car, festoon the sides with "Votes for Women" signs, and travel to Medina where forty young women marched and rallied for suffrage.

Allen spent the summer of 1912 in Ohio campaigning. Part of the time she spent in Cleveland working at headquarters on Euclid Avenue. There she met many women influential in the community: Elizabeth Hauser, a newswoman and former secretary to Mayor Tom L. Johnson, Zara DuPont of a distinguished industrial family, Lucia McCurdy McBride, a socialite and wife of a well-known philanthropist, Belle Sherwin, daughter of one of Cleveland's wealthiest industrial families, a graduate of Wellesley, founder of the Cleveland Consumer's League\* and Director

of the Visiting Nurse Association, Minerva Brooks, a Vassar graduate and daughter of an outstanding lawyer, Edna Perkins, a professor at Western Reserve University.

Allen's chief task was to organize the campaign in the counties of Ohio. She travelled the length and breadth of the state organizing women and speaking to women's clubs and steel workers, to associations of lawyers, teachers, and ministers. She spoke at churches and county fairs, band concerts and farmers' institutes, circuses and carnivals, on street corners and courthouse steps. She declared her willingness to speak as long as anyone would listen.

Illustrative of the friendships Allen made in the summer of 1912 was that with Vadae Meekison, who practiced law with her husband in Napoleon, Ohio. Vadae and Florence campaigned together in Henry County, travelling by horse and buggy. Florence did most of the driving, for Vadae had a baby girl in her lap. They carried a soap box in the back of the buggy to stand on to speak, and considered themselves very lucky in one town when the proprietor of a traveling medicine show allowed them to use his stage for their speeches. Vadae Meekison and her daughter were life-long supporters of Florence Allen's public career.

Most of the women Allen organized

\*For an account of this organization, see Leah Beth Ward, "The Consumers League of Ohio: Early Champion of Working Women," *The Gamut*, No. 7 (Fall, 1982), pp. 81-92.

and worked with were upper-middle-class women, living in domesticity. Most had led sheltered lives and shrank from the thought of public oratory or even of trying to persuade their acquaintances of the merits of woman suffrage. At the outset few could articulate their political thoughts, but by the end of the summer many could, even in the face of heckling and catcalls. Everywhere the sisterhood stood together and Allen made "a fine acquaintance among forward-looking Ohio women,"<sup>7</sup> that in the long run would have productive political rewards.

When the vote came in September 1912 the woman suffrage amendment lost by a vote of 295,000 to 335,000.<sup>8</sup> The suffragists were not discouraged, least of all Florence Allen; they believed that their message had not reached enough people. Plans were immediately started for another campaign.

The amended constitution included provisions for initiative and referendum, and the suffragists decided to try this method. In early 1914 Allen again travelled the state, organizing a crew of women to circulate petitions among the male voters to get the ten percent of signatures required. No longer were the suffragists meek, shy, and sheltered women. They aggressively went out seeking signatures, no number too small. Allen's speech in Mt. Vernon in July, for example, brought 50 signatures; in New Lexington, 27 signatures;<sup>9</sup> and so the total grew and in due time the petitions were filed with the secretary of state.

Lines of conflict were drawn more sharply in 1914 than in 1912. Voters were asked to decide on three issues: one was woman suffrage, the other two were options concerning the sale or prohibition of alcoholic beverages. The liquor industry vigorously opposed the vote for women, believing that if they were enfranchised they would vote for prohibition. The large industrial cities, Cleveland and Cincinnati, were rapidly filling with southern and eastern Europeans who were not interested in either prohibition or woman suffrage. The liquor industry was generous with money for the campaign and provided picnics at Euclid Beach, free beer, posters in trolleys which working men rode to instruct them how to vote against woman suffrage.

In smaller cities and rural areas the women found better support. In Ashland, for example, Allen spoke to a Chautauqua audi-

ence of 2,000 and got "good applause." In Wooster she spoke from the grandstand at the county fair. In Mansfield she went to a "whopping meeting" of the Federation of Women's Clubs and received their endorsement.<sup>10</sup> Newspapers were generally supportive, their editors presumably coming from the New England stock who supported suffrage. Everywhere Protestant ministers and their congregations opened their doors and their hearts to the suffragists.

For Allen the high point of the campaign was a debate with Lucy Price in Gray's Armory in Cleveland. Price spoke for the anti-suffragists. The cavernous auditorium was filled, President Charles F. Thwing of Western Reserve University presided, and the newspapers reported fully. Allen argued that the vote was woman's natural right, that women wanted to vote and that in western states where they did vote politics had been purified, crime had declined, and legislation beneficial for workers and children had been adopted. The Ohio legislature, Allen argued, is very skimpy in providing money for child welfare but spends it like water in taking care of the potato bug and looking after the welfare of hogs. With woman suffrage she promised that those priorities would be rearranged.

Price argued that women did not want the vote, that it would be a burden to them, and that in western states where they had the vote crime had increased along with the divorce rate and families had suffered when mothers became interested in politics.<sup>11</sup>

The women who had campaigned for the vote had worked hard and courageously and lasting bonds of friendship developed between them. Their efforts were overwhelmed by the slicker and more expensive campaign of the opposition, and woman suffrage was defeated again in 1914, more overwhelmingly than in 1912.

Florence Allen graduated from NYU Law School *cum laude* in June 1913, and the following year passed the bar examinations in Ohio. She searched for a position with a private law firm in Cleveland, where she had excellent connections through her family and friends. No law firm was willing to take on a woman colleague; every man interviewed found some excuse. One said, pointing to a few snow flakes floating past the window, "Why, I wouldn't think of sending a woman down to the Court House on a day like this."<sup>12</sup>



In the fall of 1914 she opened her own office and volunteered for the Cleveland Legal Aid Society. Work for the Legal Aid Society widened her perspective to the problems of the poor and underprivileged. Poor people with all kinds of human problems came to her: abused wives who couldn't afford a divorce, parents whose children were in trouble with the police, tenants who had landlord problems, people who had been defrauded by the "smooth-talking sharks" (Allen's phrase) that preyed upon newcomers in Cleveland. Allen represented cases at court and became acquainted with the judges. Visits to the police court were especially unpleasant, and on at least one occasion the "vile, stinking place"<sup>13</sup> made her physically ill. Fees for her work were small and slow in coming.

As a young lawyer, Allen's only certain client was the Ohio Woman Suffrage Association, which retained her as legal counsel from 1914 to 1920. A case for this organization took her for the first time to the Ohio Supreme Court. The new Ohio constitution had given cities the right to frame charters and determine their own officials. The suffragists thought that a city charter could, therefore, give women the right to vote for municipal officials. East Cleveland, a prosperous suburb, was chosen as a test case, and in 1916, with the aid of Allen and others, a new charter including woman suffrage for municipal offices was adopted. The Board of Elections refused to count the women's votes, doubting their legality. The Woman Suffrage Party initiated a taxpayer's suit to test the right of women to vote in a charter city. With Allen as the party lawyer, the Ohio Supreme Court upheld the right.

In 1917 the Ohio legislature, aided and abetted by the suffragists, passed a bill permitting women to vote for presidential electors. Opponents immediately circulated petitions for a referendum on the legislation. The suffragists suspected that many of the signatures were fraudulent. Again attorney Allen traversed the state and found that many signatures were obviously written by the same hand, with the same pen, in the same saloon. Lawsuits were initiated in selected counties to challenge the petitions, and in the four counties where the courts heard the cases more than ninety percent of the signatures were found fraudulent. In most counties the

courts or boards of election delayed action, and the referendum went on as scheduled, and the legislation was recalled by a large majority.<sup>14</sup> At this point the women retired from the scene of battle and waited for the Nineteenth Amendment to give them the vote. It came in 1920 and was ratified by the state legislature, but woman suffrage was never ratified by the male voters of Ohio.

One of the most interesting cases Allen participated in as a woman's advocate was that of *Employees v. Cleveland Railway Company*. The company had employed women street car conductors during World War I. When the war ended the men returned and wanted their jobs back. The upshot was a three-day strike that paralyzed Cleveland transportation, followed by a settlement between the company and the union that included dismissing the women conductors. The case for the women conductors was appealed to the National War Labor Board, Allen being one of the attorneys for the women. This body recommended that the women not be fired. It was a victory for Allen and working women, but a hollow victory, for the company honored its agreement with the union and women conductors disappeared from the streets of Cleveland.<sup>15</sup>

In the midst of the street car case, through acquaintances in the Democratic Party, Allen was appointed assistant prosecutor for Cuyahoga County, the first woman in the country to fill such a position. As assistant prosecutor she was in charge of grand jury hearings and indictments, vastly broadening her experience in criminal cases and in the city and county courts.

Before suffrage, women's political voices had been heard through the activities and resolutions of a nationwide network of women's organizations: the National American Women's Suffrage Association, the Women's Christian Temperance Union, the Federation of Women's Clubs, and a host of others. In addition to the NAWSA, Allen was active in the National Association of Women Lawyers and several alumnae organizations. In her early years in Cleveland, she was a charter member of the Women's City Club and the Business and Professional Women's Club. After 1920 she was active in the League of Women Voters and the women's division of the Democratic Party. The support of women's organizations was crucial to her ca-

reer. As early as February, 1920, the Ohio Federation of Business and Professional Women urged Governor Cox to appoint Allen to a vacancy on the common pleas bench.<sup>16</sup> The proposal failed because suffrage had not been ratified and a woman could not be appointed to an elective office.

It was not until August, 1920, that the 36th state, Tennessee, ratified the Nineteenth Amendment after a long battle and woman suffrage became law, only ten weeks before the November election. Allen had spent many sleepless nights during the Tennessee delay, but now the way was clear for her to declare her candidacy for judge of the Cuyahoga County Court of Common Pleas, a candidacy which had been publicly proposed by the Business and Professional Women's Club. "With the winning of the vote," said Allen, "women gained the right as well as the duty to assume their part in public and professional life, to stretch their minds and their ability to serve humanity."<sup>17</sup>

The primaries were long past and it was necessary to be nominated by petition, but many of Allen's old suffrage friends had been enlisted to help. The day after woman suffrage became law, she phoned her petitions committee and the campaign was on. Women workers left no stone unturned in getting signers, some climbing high scaffolding to get signatures from busy construction workers. She ran on a non-partisan ticket, partly be-

cause reformers had long been calling for the separation of politics from the courts, but primarily because she believed there was a large constituency of women who would welcome the opportunity to vote for a female candidate.

Support came from many sources, but most notable was the support of women and women's organizations. Maud Wood Park, national president of the League of Women Voters, came to speak for her candidacy. Belle Sherwin, president of the Cleveland League, explained that although the League did not support candidates they had made an exception in Allen's case because she was a non-partisan candidate. The Business and Professional Women's Club published and distributed campaign literature. The Consumer's League, Lakewood Civic League, Lakewood PTA, and the Women's Protective Association all boosted her candidacy. The Cleveland *Plain Dealer* and *Cleveland Press* were very supportive, urging women to register and all voters to cast their ballots for Allen.<sup>18</sup> When the votes were counted she led the ticket by a generous margin. When asked to comment, Allen said she was "the beneficiary of the entire woman movement."<sup>19</sup>

The Common Pleas Court to which Allen had been elected was a glaring example of an institution in need of the kind of house-keeping reforms that the suffrage cam-



Business women support Allen's candidacy for Judge of the Court of Common Pleas.



paigned had promised women would bring. More than 6,000 cases were backlogged and awaiting trial.<sup>20</sup> Excessive delays made it possible for the accused to jump bail while the facts of cases were forgotten, muddled or concealed in the lapse of time. There was no administrative head of the court. The twelve judges rotated from criminal to civil cases without regard to experience or continuity. Critics claimed that some of the judges were loafing on the job and some were downright lazy, that most of them were playing politics to the detriment of justice, that they were spending more time at weddings and picnics, wakes and funerals than in the courtroom, and that many were beholden to pressure groups. Critics said there was no dignity in the courtroom, judges didn't bother to wear robes, came and went without announcement, and fraternized freely with whoever was there. For interesting cases, spectators jammed the courtroom and followed the proceedings like a sporting event. One critic said that "the courts are run like bar-rooms"; another said that this was an exaggeration, but that "in dignity of atmosphere" the courtroom "does not rise above a salesman's display room in a hotel."<sup>21</sup> So upset were the people of Cuyahoga County about the lack of efficiency in their courts that a complete investigation was funded by the Cleveland Foundation and the results published in 1921.

While the public eye was on the courts, Judge Allen was personally performing her duties in her own energetic and efficient way. There was decorum and dignity in her courtroom. She never appeared without judicial robes. She insisted upon being called "Judge Allen" at all times. Her court started promptly. Jurors were scolded for being late. Attorneys who weren't on time were replaced. Requests for political favors were ignored. Cases were not delayed unless there was proof that they could not be heard. Victims of crime received special consideration. She prided herself on the number of cases that were heard in her courtroom: 570 in the first twenty-one months.<sup>22</sup>

Sensational criminal cases brought Judge Allen special publicity and demonstrated her ability to dispense speedy and certain justice. Frank Motto, the leader of a gang that killed two Cleveland business men in a robbery of their company's payroll, was tried in her courtroom. Suspicious characters in-



Florence Allen is sworn in as first woman Judge of the Cuyahoga County Court of Common Pleas.

vaded the courtroom and prowled around her house during the trial, making police protection necessary. A letter was received threatening to murder Allen and the members of the jury if Motto was convicted and executed. But the trial continued, Motto was found guilty of murder in the first degree, and Judge Allen gave him the death sentence. She denied a stay of execution and had no regrets when he was executed. Her courage and dedication to justice had prevailed in a very "manly" way over supposedly feminine foibles of timidity and leniency.

A much more sensational case was that of William McGannon, Chief Justice of the Cleveland Municipal Court, who was accused of murder. Twice he was tried for murder and acquitted, but it seemed obvious that some of the witnesses gave false testimony. In a third case, with Allen presiding, he was tried for perjury and found guilty. It was only in her courtroom that McGannon was found guilty of anything, and it was apparently Allen's clear instructions to the jury that helped to bring a decision in the case. "Judges cannot think that they are above the law," she told him as she sentenced him to the penitentiary. "They must be subject to the law the same as private citizens. Judges ought to know the spirit of the law, which demands that all tell the truth in a court of justice . . ."<sup>23</sup> The *New York Tribune* reported the conviction and sentencing of McGannon as "the most dramatic incident in the history of the Cuyahoga County Courts."<sup>24</sup>

Many letters of commendation came to Allen after sensational cases. After the

McGannon case, for example, the President of the Cleveland Federation of Women's Clubs wrote to tell her how proud women were of her, how impressed they were with her handling of the case, and concluded, "If at any time the Federation can be of assistance please call on us."<sup>25</sup>

In the summer of 1922 there was a vacancy on the Ohio Supreme Court bench and Allen decided to declare her candidacy. Women from all over the state who had known her in the suffrage struggle wrote or telephoned to ask how they could help. Again she ran on a non-partisan ticket and entered by petition, and women did most of the work. Susan M. Rebhan, who was an experienced YWCA organizer, managed the campaign. Under her direction three women divided the state and went to every county to select a chairperson for the campaign, always women. So avidly did the sisterhood circulate petitions that more than double the required number of signatures were filed. The list of workers was a veritable rollcall of the former suffragist organization and all the allied women's clubs. Rebhan later wrote that "it was always women, women marching on the voters like an army" and bringing Allen's campaign platform.<sup>26</sup>

The platform contained only 36 words: I believe in law enforcement, justice for all, business methods applied to the courts, efficient work by public servants, respect for law, order and the courts. Politics should have no place in the administration of justice.<sup>27</sup>

The platform was printed on three-by-five cards and passed out by the thousands. Florence Allen clubs were formed by women in 66 counties to help with the work. Rebhan's instructions to organizational meetings said it was important to include women from both political parties, from a variety of churches, women's clubs and PTAs. If members could speak for the candidate, that was very good, but at least they could pass out platform cards.

Every morning for two months before the election Allen spoke at a morning church service, not referring to her candidacy, but giving a religious message urging men and women, especially women, to feel responsibility for improving their community. She had arranged her court schedule so that she was on duty during the regular vacation time in August and had time off in October to campaign. During October she was booked by her

campaign manager like a vaudeville star. There were meetings morning, noon, and night, at clubs, homes and factories, in theater halls and in the open. The thirty-six words became known all over Ohio.

Neither political party supported her. The Republicans were outright hostile and asked their women not to support Allen, although many openly did. Vadae Meekison simply stacked the literature against Allen in her basement and went right on campaigning. Rose Moriarity told her audiences that the gang in Cleveland had been "cleaned up" because of Judge Allen's presence on the bench.

Newspapers generally were sympathetic, supporting her because she was a woman and women should be represented in the courts. In case any voters had doubts about a woman as a supreme court judge, they were reminded that even if she were elected there would still be six men on the bench. There was a small finance committee composed of men, friends of Allen's father. After it was over the chairman wrote: "I have to laugh when I think that this campaign was put over by three or four women with a few men sitting at the table looking on and wondering where we would get the money to pay the bills."<sup>28</sup> Actually Allen's campaign was much better endowed than that of any other candidate: more than \$5,000 was raised, mostly from small contributions by individual women.<sup>29</sup>

There were six candidates for the two associate judgeships to be filled. Allen was the only non-partisan candidate. She was elected by a plurality of 48,000 votes and carried 30 counties,<sup>30</sup> becoming the first woman to be a judge in a state supreme court. She did not run well in those areas where woman suffrage had been heavily defeated, particularly Cincinnati and Cleveland.

Again Allen gave full credit to the sisterhood for her victory, and it was credit where credit was due. It seems unlikely that otherwise she could have managed a statewide campaign without party support. Not only did the women plan appearances, raise money, pay her expenses, promote her locally and probably vote for her, but all the records show a long list of women who personally welcomed her, were proud that she had come, saw that every need was taken care of, and took her into their homes as an honored guest. She was the women's woman.



*Merry Christmas*  
Hazel Nite.

Supporter of Allen for Supreme Court used 1922 campaign picture for Christmas card.

Women were eager to participate because it seemed like the good old days of the suffrage campaign or a fulfillment of what they had hoped for from the suffrage movement. By this time the women's movement was again in great disarray, splintered by factionalism once the vote was achieved, its leadership exhausted or diverted to other causes. In rallying around Florence Allen they could believe that their expectations were being achieved.

In the long run the suffrage failed to create a block of voting women united for any candidate or cause, but in 1922 enough unity remained to start Judge Allen on a distinguished career. In 1928 she ran again for the supreme court. This time she ran on her record, was supported enthusiastically by both men and women, and achieved a sweeping victory, with a plurality of about 350,000, carrying 68 counties,<sup>31</sup> including Cleveland, Columbus, Youngstown, and Akron. During her eleven years on the Ohio Supreme Court she contributed to the liberal interpretation of laws concerning the rights and welfare of working people, extension of education, and municipal regulation of public services.

In 1934 she was appointed by President Roosevelt as judge of the Sixth Circuit Federal

Court of Appeals, the first woman to be appointed judge of a federal court of general jurisdiction. During her long tenure as a federal judge, from 1934 to 1959, she made significant contributions to constitutional and patent law. She was the presiding judge in the much-publicized case of the *Tennessee Electric Power Company v. The Tennessee Valley Authority*. The case stands as one of the first to be decided in favor of New Deal policies and as a turning point in the new orientation of the courts toward more responsiveness to changing social conditions and needs. For more than twenty years Judge Allen was a candidate for appointment to the United States Supreme Court, but in those times the women's vote was not important enough to influence any president to appoint a woman justice in defiance of the traditional masculinity of the court.

Florence Allen was a woman ahead of her time, a pioneer in her profession, a role model for thousands of young women to follow. Today about one-third of law school students are women, 12 percent of practicing lawyers are women,<sup>32</sup> there is a woman justice on the U.S. Supreme Court, and the women's vote is a factor which every politician must take into account.



## NOTES

<sup>1</sup> Monographs on the woman suffrage movement include Aileen Kraditor, *The Ideas of the Woman Suffrage Movement, 1890-1920* (New York: Columbia, 1965); Eleanor Flexner, *Century of Struggle: The Woman's Rights Movement in the United States* (Cambridge: Harvard, 1959); Anne F. Scott, and A. M. Scott, *One Half of the People: The Fight for Woman Suffrage* (Philadelphia: Lippincott, 1975).

<sup>2</sup> Documents about Allen's family background are in the Western Reserve Historical Society manuscript collection, Florence Allen papers, containers No. 1 and No. 6. Allen's autobiography, *To Do Justly* (Cleveland: Western Reserve, 1965), pp. 1-28, includes an account of her early years.

<sup>3</sup> Cynthia Fuchs Epstein, *Women in Law* (New York: Basic Books, 1981), p. 4.

<sup>4</sup> Beatrice Doerschuk, *Women in the Law* (New York: Vocational Commission, 1920), p. 115 and Alfred Z. Reed, *Training for the Public Profession of the Law* (New York: Carnegie Foundation, 1921), p. 452.

<sup>5</sup> See Hoyt Landon Warner, *Progressivism in Ohio, 1897-1917* (Columbus: Ohio State, 1964).

<sup>6</sup> Ida Husted Harper, *History of Woman Suffrage*, v. 5 (New York: Arno, 1969) includes an account of the struggle for woman suffrage in Ohio. The Ohio Woman Suffrage Association Yearbook (1912-1920) also has information. Also Florence Allen and Mary Welles, *The Ohio Woman Suffrage Movement* (Cleveland: Preservation Committee, 1952) and Virginia Clark Abbott, *The History of Woman Suffrage and the League of Women Voters in Cuyahoga County, 1911-1945* (Cleveland: LWV, 1945).

<sup>7</sup> *To Do Justly*, p. 32.

<sup>8</sup> Warner, pp. 340-341.

<sup>9</sup> Diary entries, July 22 and 23, 1914.

<sup>10</sup> Diary entries, August 10, 11, and 15, 1914.

<sup>11</sup> Debate information from the *Cleveland Plain Dealer*, October 29, 1914, p. 10. Allen's research notes for the debate contain statistics about the relationship between woman suffrage and social improvement as supplied by the *Woman's Journal*, official publication of the NAWSA.

<sup>12</sup> Allen papers, WRHS, container 15.

<sup>13</sup> Diary, February 9, 1915.

<sup>14</sup> Information from Allen and Welles, pp. 50-51; Abbott, pp. 55-56, and letter of Allen, November 15, 1917, to editor of *New York Evening Post*, Allen papers, WRHS, container 6.

<sup>15</sup> Summarized from National War Labor Board Docket no. 491 in Allen papers, WRHS, container 6.

<sup>16</sup> *Forty Years of Progress and Service, 1920-1960* (Columbus: OFBPWC, 1960), p. 29.

<sup>17</sup> From speech delivered to NYU alumnae, Allen papers, WRHS, container 15.

<sup>18</sup> Abbott, p. 75. *Cleveland Press*, October 29, 1920, p. 1.

<sup>19</sup> *To Do Justly*, p. 16.

<sup>20</sup> *Cleveland Press*, September 9, 1920, p. 2.

<sup>21</sup> Reginald Heber Smith and Herbert B. Ehrmann, *The Criminal Courts, Part I of Survey of Criminal Justice in Cleveland* (Cleveland: Cleveland Foundation, 1921), p. 70.

<sup>22</sup> *To Do Justly*, p. 51.

<sup>23</sup> *Ibid.*, p. 62. Her 14 pages of instructions to the jury are in Allen papers, WRHS, container 15.

<sup>24</sup> *The New York Tribune*, June 26, 1921, Allen papers, WRHS, container 30.

<sup>25</sup> Letter of May 16, 1921, in Allen papers, WRHS, container 6.

<sup>26</sup> The best summary of the campaign was written by Susan Rebhan for the *Salt Lake City Telegram*, January 7, 1923, second section, pp. 1 ff. Allen papers, WRHS, container 26. Allen's family lived in Salt Lake City.

<sup>27</sup> Allen papers, WRHS, container 26.

<sup>28</sup> Letter from John Barden to C.E. Allen, November 10, 1922, Allen papers, WRHS, container 6.

<sup>29</sup> The amount was \$5,714.00. Other candidates spent from \$1,000 to \$1,500. Noted in *Marion Tribune*, November 17, 1922, and many other newspapers. Allen papers, Library of Congress, container 6.

<sup>30</sup> Records of the campaign and election are in Allen papers, WRHS, container 14.

<sup>31</sup> Allen papers, WRHS, container 14.

<sup>32</sup> Epstein, pp. 4 and 5.