FREEDOM OF SPEECH IN WISCONSIN, 1870–1880

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Wisconsin, like any state, has its contradictions, but in general it has a reputation for being a leader in social progress and social legislation. This reputation has been built up over a number of years through the words and actions of its citizens and we are privileged to be the heirs of a fine tradition.

A look into the past is interesting both from a historical point of view and also because of what it reveals concerning our heritage. The decade, 1870–1880, was a transitional period. The passions engendered by the Civil War were beginning to abate. The isolation of the agrarian culture was still present, but improved means of transportation and communication were beginning to remove it. However, the mobility of the automobile and good highways had not yet begun to enlarge local communities into the more urban and closely related units typical of today.

Citizens of the state in 1870–1880 were particularly conscious of their rights and their opportunities. Many of them were new citizens who had emigrated from foreign countries where the right of “free speech” had been abridged. All of them were anxious to preserve the freedoms granted them under the democratic form of government and they were quick to voice their opinions.

“Free speech” gave them the right to criticize when social conditions were adverse; it gave them the right to criticize when things were going well. Some abused the privilege in speeches and writings, which judged by today’s standards would be considered libelous or slanderous. However, it should be noted that “free speech” of the 1870’s was not subject to the legalistic refinements of today.

In short, Wisconsin in those days afforded a favorable environment for “free speech”, which in turn helped create the tradition of free speech which we enjoy today.

Let us examine, by considering some examples taken from newspapers published in those days, some of the characteristic problems of the day and evidences of how freedom of speech was interpreted.

Then as now, political occasions were numerous and constituted a prime source for the interchange of ideas and viewpoints. Newspapers of the day carried public notices of meetings and partisan editors took pains to invite members of the opposition parties to
their functions. They were always careful, however, to credit the success of an occasion to the party of their choice. A meeting reported by the Democratic editor of the Lafayette County Democrat stated that:

"The meeting was about three-fourths democratic, and consequently the best of order prevailed—no one interrupted the speakers and the contest was fair in every particular."

An Oshkosh editor, with obviously a preference for the Republican point of view was a little more forthright in his analysis of a somewhat similar meeting for he reported it in this fashion:

"Doolittle (ex-Sen. Doolittle—the Democratic candidate) squirmed and writhed under this torture like an eel on a hot skillet; but Washburne (Gen. C. C. Washburne) was relentless, and answered every charge brought against the republican party, out of the very mouth of his adversary."

Both the citizens and the speakers of the day must have had considerable stamina for the occasions were numerous, the speeches long and numerous, and the newspaper reports of the speeches were almost equally long and numerous.

For example, in the 1871 gubernatorial campaign between Gen. Washburne and Sen. Doolittle a series of nine debates patterned after the Lincoln-Douglas debates was held in major cities of Wisconsin, and occurred within a one month period. In every one of these meetings the candidates spoke for one and one half hours each, plus a discussion period. The La Crosse Leader not only summarized the occasion but carried the complete text of more than 12,000 words of General Washburne's speech and a lengthy summary of Doolittle’s remarks.¹

However, the persuasion was felt to be most effective in oral form rather than printed, for as one editor put it:

"persons in need of sound political gospel, will listen to a good speech and be impressed and moved by the truths it contains, but they will not bother themselves by reading the same speech in print."

But freedom of speech carried with it some of the same hazards it does today in the form of opposition which is lacking in restraint. For example, a political orator spoke one night at Reedsburg where the Democrats caused considerable annoyance to him by "building a bonfire near his place of speaking, firing anvils and beating pans so loudly... as to almost drown the speaker's voice."²

¹Lafayette County Democrat, August 27, 1871 (Darlington).
²Oshkosh Journal, August 7, 1871.
³LaCrosse Leader, October 14, 1871.
⁴Fond du Lac Commonwealth, October 18, 1879.
⁵Baraboo Republic, October 18, 1878.
On another occasion in Watertown at a meeting called "for the purpose of taking measure against the present rule of mismanagement and corruption in our city" the meeting "was broken up by a band of Union Leaguers who took this method of showing their appreciation of free speech and the rights of American citizens to quietly assemble and express their sentiments." After attempting to oust the chairman who had already been chosen by the sympathizers "the meeting soon resolved itself into a sort of pandemonium through the League influence, until finally the lights were put out and the crowd dispersed."

In our newspapers today, we normally expect editorial comment concerning the days events to be confined to the editorial sections. Columns devote dto news reports are supposed to be objective, and factual in nature. This was not so with newspapers of the 1870–1880 era and is well illustrated by the following accounts of a political campaign speech delivered in Watertown by Gen. E. S. Bragg. One Watertown newspaper reported that:

"The political meeting ... was numerously attended by our citizens, to hear the brave and eloquent General express his sentiments ... he ... aroused a good deal of interest, giving his hearers a simple, dignified, and truthful presentation of facts in matters of reform that were beyond question and utterly unanswerable."

Another Watertown newspaper had this to say of the same occasion:

"The Reform meeting addressed by Gen. E. S. Bragg ... was a very slim and dull affair, considering the preparations that had been made for it ... The orator was introduced ... to an audience of just 200 persons all told, a large proportion of whom were republicans ... His remarks were rambling and desultory, and he seemed to lose sight of his subject all the way through."

Once elected to a state legislative position, the politician could expect his constituents to be just as interested in what he said in the state legislature as they were in what he said while running for office. State affairs commanded just as much attention as did national affairs and many local newspapers—not just those from the larger cities—maintained a correspondent in Madison during the legislative sessions. He would issue a general report on each week’s legislative activities with particular emphasis on the local representative. Knowing they would be called to account for their stewardship, state and local legislative body representatives made it a policy to report to their constituents at public meetings at which the electorate gathered.

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*Watertown Republican, March 17, 1874.
*Watertown Democrat, October 28, 1875.
*Watertown Republican, October 27, 1875.
For example, a "large audience (which) assembled at the Court House" in Chippewa Falls in March, 1876, did so in order to "hear Judge Wiltse" render an account of how he had discharged his obligations. They listened for more than an hour to his "able and forcible" remarks. Approval of his conduct was then voiced through a unanimous vote of thanks.  

When the issue was of sufficient importance to warrant direct action Wisconsin citizens of the 1870's did not rely upon lobbyists to exert persuasive pressures, but sent delegations from the local areas to ensure desirable action by their representative. When the proposed Graham liquor licensing bill was before the legislature in 1872,

"the lobbies and galleries of the Assembly Chamber were crowded at an early hour and soon the floor of the house underwent a systematic packing and presented a very pleasing spectacle of 'fair men and brave women' who came to give courage and sympathy to the great popular reform measure... It was a time well calculated to inspire the best efforts of the friends of reform."  

Public meetings were widely attended by Wisconsinites and provided both social and educational fare for the people. In addition to that, the tendency toward free and open discussion of topics shaped the course of Wisconsin's growth in some rather obvious ways. Wisconsin's reputation, as a dairy state, is due in part at least, to the widespread discussions held by farm groups concerning agricultural developments. As an indication of this, consider the following frank opinions expressed at a meeting of the Freedom Farmer's club to discuss going "into the so called breeds of cattle".

"Mr. H. W. Armstrong thought not, believed that by giving his native cows the same care and feed... they would yield as much milk and butter and make as fine animals as pure bloods... Wm. Sowders thought that native stock was good enough for anybody; thought if people would stay at home and take care of their farms and cattle instead of running around to farmers clubs and fairs they would be better off. Pat. Monahan believed in introducing blooded stock. E. Nye kept two cows, natives; thought the blooded stock too tender for common farmers to keep... thought that his wife had as much to do with the quantity and quality of the butter as the cows did... F. P. Wolf wanted to improve his cows... and meant to improve his stock, wanted better cows than he got... T. R. Alvord believed that all this talk was a humbug... he was too old to be fooled by such nonsense."

Apparently the remarks of the gentleman who felt farmers' club meetings to be a waste of time were not heeded, even by himself, for according to the records he was present also at the next

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9 Chippewa Times, March 22, 1876.
10 La Crosse Republican and Leader, March 2, 1872.
11 Appleton Crescent, February 3, 1872.
meeting of the club when farm accounts and farm labor were equally frankly discussed.

Ordinarily topics for discussion at this type of meeting were decided upon in advance as when the Greenville Farmers' Club announced its question for the forthcoming meeting to be "Will clover hay give a horse the heaves?" Another common practice however, was to put discussion questions in a basket and draw forth a topic which might be a serious one such as the value of "cooperative labor" or a topic of a less serious nature such as "how does Miss Ella White make her plants look so thrifty?"

As it does today, public opinion changed with almost frightening rapidity during that period 90 years ago, and what was popular one day might before long be condemned—sometimes with good reason as in the case of the railroad expansion and exploitation.

The public road system, being as it was in those days, an alternate series of quagmires or choking dust clouds, it was not unusual that the railroads with their promise of rapid, reliable, all weather communication were eagerly sought. Meetings to discuss railroads were common and well attended. Upon being organized they were addressed by prominent local officials and citizens; resolutions were then proposed and discussed and committees appointed to mature the plans.

When finally the petitioning, memorializing, imploring and pleading were over and the railroad actually arrived, it touched off elaborate celebrations which were as colorful as they possibly could be made. In Green Bay, 10,000 people were on hand to greet the arrival of the first train and hear the speeches upon the occasion. The 3,000 excursionists who arrived in Wausau to inspect the town upon the completion of its railroad connection, were met by 5,000 Wausau natives, the Mayor and the Common Council, the Fire Department, a colorbearer, two bands and the salutes of all the bells, steam whistles and cannon in the city. The procession was then escorted to the Music Hall and Forest Hall where they heard addresses and a banquet was prepared for nearly 4,000 people.

However, with the coming of the financial depression of 1873 the people's joy with their newly acquired railroads sometimes turned to deepest gloom. Scarcely a month after their big railroad jubilee, the Wausau paper noted that the Wisconsin Central Railroad "exhibits as great capacity for ugliness as it does for bond getting and land grabbing."

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12 Appleton Crescent, November 30, 1872.
13 Oshkosh Journal, December 3, 1870.
14 Green Bay Advocate, June 26, 1873.
15 Wisconsin River Pilot (Wausau), November 14, 1873.
16 Wisconsin River Pilot (Wausau), December 19, 1873.
The protest meetings following this experience and similar experiences, in which citizens expressed their dissatisfaction culminated in the passage of the regulatory “Potter Law” which formed the basis for corporate law in Wisconsin. This law, “the elucidation of which . . . occupied nearly four hours” on the part of Chief Justice J. P. Ryan was “pronounced one of the most masterly and scholarly efforts ever produced in our courts.”\(^{17}\)

Another public meeting which left little doubt as to the effectiveness of the free expression of opinion which took place, occurred in Aztalan where the owner of land which had been used for many years as a picnic site decided to fence it off from the public. He dug post holes for this purpose and the citizens filled them up. Then they tried without apparent success to reason with him. Finally they sent word through town about the condition of affairs and requested a meeting that evening. According to succeeding reports:

“About 120 of the citizens assembled full of indignity for their townsman, and after some not over conciliatory speeches, and an organization . . . they arranged themselves along the fence and lifted it out. The next day Mr. A. rebuilt it and the next afternoon the citizens removed it piling it (very?) carefully on Mr. A’s premises and the third day likewise.”\(^{18}\)

Freedom of speech in Wisconsin in the 1870’s meant not only wide latitude in what a person could speak or write; it also meant a great amount of speaking and writing on the part of a great number of citizens. One facet of life which provided some distinctive occasions for speaking were the religious meetings.

Camp meetings, revivals, “bush meetings” as well as the regularly organized religious services were common, and were reported in great detail.

Probably the most distinctive were the “camp meetings” which were held out of doors, usually during the summer months and most often in shady groves where good water was available and tents could be pitched. From early morning bell to the final benediction in the evening the campers heard the word of God dispensed in English, Danish, Norwegian, German and several other languages. In between sermons they visited or spent their time strolling through the grove in which the meeting was held.

Revivals were commonly held too throughout the state and had the same purpose as camp meetings, but generally the approach was different. In addition to seeking converts of those who attended the meetings, the revivalists sought also to secure the active participation of the stay-at-homes.

\(^{17}\) Superior Times, September 18, 1874.

\(^{18}\) Watertown Republican, May 26, 1875.
Religion was attractive to the female speakers of the day. One of the most successful revivalists in the state was Mrs. Van Cott, a lady of very large proportions, whose “pleasant, animated features, sparkling blue eyes and a head that would show well in plaster” led one reporter to proclaim her an even greater speaker than the famous Senator Matt. Carpenter. Her prowess was so great that as “she prayed to God to lose the purse strings of the members (of the congregation) so that the outstanding debt of the church might be paid”, the debt of $1,500 was twenty per cent oversubscribed.20

Congregation members as well as their clerical leaders took part in discussion of social issues as well as religious matters. It may seem strange to us that topics such as attendance at circuses and games such as croquet came under close scrutiny as possible sources of evil, but discussions of these topics were of serious concern.20 Questions of individual conduct were also discussed freely as for instance when the Mutual Council of Plymouth Church met to consider the “sufficiency and validity of Mrs. Moulton’s reasons for abstaining so long from the services and sacraments of the church.”21

Of all the causes responsible for discussion perhaps none was as vehemently supported or on the other hand condemned as vigorously as temperance. Nearly all citizens had firmly held beliefs regarding temperance and they were not hesitant to express them.

Temperance meetings were usually sponsored by organizations. Some were organized along denominational lines; others according to nationality groups. Most were general in their membership. Ladies took an active part in the temperance occasions and it was at this time that a Wisconsin woman, Frances Willard, began work in the Women’s Christian Temperance Union, and became nationally known from her temperance speaking.

Temperance gatherings called for the same elaborate preparations, parades, welcoming processions, and cannon salutes, as did political and ceremonial occasions.

Not all groups proposed the same solution. The Janesville Ladies Temperance Union proposed to establish a free library and reading room to keep young men out of saloons.22 Hon. S. D. Hastings proposed a constitutional amendment outlawing liquor,23 and many favored going into the saloons to hold prayer meetings and afterward, to take direct action. Apparently few speeches which espoused the cause of liquor were delivered, or at least found their way into print.

20 La Crosse Republican and Leader, April 6, 1872.
21 Oshkosh Journal, November 5, 1870.
22 Chippewa Times, January 5, 1876.
23 Janesville Gazette, March 7, 1874.
24 Western Advance (Portage), September 23, 1874.
These then, are but a few of the many evidences of freedom of speech in Wisconsin in 1870–1880. There was little mention of freedom of speech as such, but there was indeed much of it.

Perhaps citizens then, as now, had become so used to being allowed to think and speak as they wished, that they took this freedom as a matter of course. Fortunately for us, they did set a good precedent, even though at times they seemed to go so far as to abuse the privilege.

But we should be grateful to them for their interest and for their willingness to express themselves on matters which have as much relevance and as much importance in 1962 as they did in 1872.