

AND THEY ALL FELL SILENT: GENDER AND VIOLENCE IN BUTTE,
MONTANA, 1910-1950

by

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of

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In

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DEDICATION

For my family, with love.

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ABSTRACT

The history of violence in the American West has captured the attention of scholars as well as the popular imagination for decades. Novels, films, scholarly articles, and most recently video games have dedicated hundreds of pages and countless hours of media production to gold camp desperados, vigilantes, bandits, and early twentieth century labor agitators, while the history of more intimate violence remains quieted. That is the violence exacted against female bodies. This project tells one story from four separate yet intricately linked vantage points: the rates and patterns of gendered violence, the cultural interpretations of violence, the legal encoding and policing of violence, and women's resistance to that violence. Additionally, this project looks at rape and wife assault simultaneously, as these are both crimes that overwhelmingly affect women. Examining these crimes in tandem throughout the twentieth century, before the advent of spousal rape or domestic violence law, and within the larger context of all violent crimes, demonstrates the ways in which violence not only worked to maintain male power, but also to define relationships between related and unrelated men and women. The redefinition of these relationships and identities, however, did not only occur through physical force, but also through institutional and epistemic violence practices.

Specifically, the statistical analysis expands a robust conversation about the history of homicide in its discussion of three kinds of violent crime—rape, homicide, and assault. In doing so, it presents a more complete depiction of the history of force. The cultural analysis investigates the development of violence narratives, which have significant consequences for how the law defines crimes, how offenders will be tried and sentenced, and how preventative strategies are developed. The legal analysis examines the ways in which the law constructed bodies of potential perpetrators and/or victims and either provided for or inhibited equal access to protection. It also investigates the fluid ways in which its practitioners interpreted and executed the law. Lastly, this project explores the ways in which woman, far from passive victims, opposed the abuse of their bodies.

INTRODUCTION

Months into my research, I came across a photograph of twenty-four-year-old Hazel Alda Kauf. Her picture accompanied a newspaper article detailing the events leading up to her death in 1946, when her ex-husband, Howard walked into a nightclub and shot her twice as she exited the dance floor.¹ This picture came to play a central role in my work.

Altogether, I lived in Butte for four summers. During the semester, I drove over regularly on days that I did not teach. I split my time between the Butte-Silver Bow Public Archives – a beautiful facility housed in one of the city’s old fire halls—and the attic of the county court house – a treasure-trove of Butte’s legal history intermixed with piles of old furniture and boxes of holiday decorations. The first step of my project was to count crimes. I dug through coroner’s reports, records of criminal action, and trial transcripts, seeking out assaults, disturbances, rapes, and murders. I cross-referenced these with marriage certificates, death certificates, and other civil records. Was this crime domestic? Did it occur between unrelated adults? I kept track of my numbers in stacks of legal pads.

In counting crimes, I had inadvertently lost sight of the individuals who comprised forty years of data. As historians, we are required to maintain distance, but as I came to learn, a good historian also becomes attached to the story she is telling. Finding Hazel Kauf’s image reconnected me in a vital way to my work and the lives, abuses, and deaths I would spend five years researching. I learned that Hazel Kauf dreamed of

¹ “Officials Probing Details of Hazel Kauf Death: Ex-Navy Man Being Held in Jail; Inquest Scheduled,” *Montana Standard*, February 10, 1946.

opening a dress shop.² Violet Smith, whose estranged husband murdered her in another 1946 domestic homicide, loved to sing.³ Marion Elizabeth McPhaill Cole shot and killed her common-law husband in self-defense in 1948. She spent two years in prison fighting for her release before Montana Governor John W. Bonner commuted her sentence.⁴ I smiled at the matter of fact way Maud Randall testified to the abuses her husband perpetrated against her: “And calling your attention to April 15th, 1930, what, if anything, did Dan Randall do to you?/ Well, in the first place, he tried to shoot me.”⁵ I admired greatly and felt deeply for Mary Niemi, a Finnish immigrant who worked long shifts at a Butte boarding house to support her younger brother and sister after her parents died. It was in this space, in 1917, that Niemi met her rapist, Frank Janosik. Even after she was laid off from her job and although pursuing legal action required the work of an interpreter, Niemi had the wherewithal to withstand a preliminary hearing in justice court and a trial in district court. While the outcome of her case is unknown, she is not.

As I set out fill in the details of Butte women’s lives, to uncover the rates of violence against them, and to explore the institutional and systemic violence that was perpetrated against them, I soon realized that this was equally a story about men. It was, after all, men who committed the vast majority of violent crimes, wrote and executed the law, and recorded violent events in newspapers. And these men, like the women I had

² Ibid.

³ Conversation with Irene, granddaughter of Violet Smith.

⁴ State of Montana v. Marion Elizabeth Cole, February 6, 1948, District Court Second Judicial District, County of Silver Bow, register/case no. 7971, Butte-Silver Bow Public Archives, Butte, Montana.

⁵ State of Montana v. Dan Randall, May 8, 1930, Transcript of Testimony, Justice Court, Butte-Silver Bow Public Archives, Butte, Montana, 5.

grown to revere, also had stories. There was a complexity in stories like Hazel Kauf's. Her husband, Howard, was not simply a murderer anymore than Hazel was merely a victim. He had served in Okinawa in 1946. Two weeks after his return, he stood over the dead body of Hazel, whose life he had just taken, muttering, "about shooting Japs." "This is nothing to me," he said.⁶ Likewise, Martin Bray, murdered his ex-wife Daisy on a busy street in Butte after he sustained a head injury in the mines in 1916, when the speed up practices to meet the demands of war injured and killed hundreds of men.⁷ The careful collection of these stories and the deep respect I hope to convey in my retelling of them reminded me of the import of this work. Indeed, it reminded me of how I started this work. My academic career had followed a route similar to many of the migrants who would come to live and work in Butte—many of the people whose stories I would tell. It took me on a path from the copper country of Michigan's Upper Peninsula to the "richest [copper] hill on earth" – Butte, Montana.

My first semester of my Ph.D. program, I had the privilege to read Marcus Rediker's *The Slave Ship: A Human History* in a graduate level course on Early America. Despite the real appreciation I had and have for this book, there was an unsettling aspect that worked its way under my skin and quickly brought me to my research on violence against women. Rediker described the sexual intercourse between slave women and shipmates onboard slave ships as an exchange. In fact, he, at times, referred to them as

⁶ "Transcript of Testimony taken at the inquest held over the dead body of Hazel Kauf before R.E. Sayatovic, Coroner of Silver Bow County and a Jury of eight men at the Court House on the 12th and 13th day of February, 1946," *Coroner's Reports*, Unprocessed Collection, Butte-Silver Bow Public Archives, Butte, Montana, 23.

⁷ "Jealous Husband Kills Escort of Divorced Wife, Dangerously Wounds Her and Shoots Himself," *Butte Miner*, May 17, 1918.

“favorites,” who were granted extra rations of fresh water, food, and time above deck in exchange for sex.⁸ To borrow the words of Susan Brownmiller, this was not a quid pro quo.⁹ I was astonished that in the twenty-first century, we still did not know rape when we saw it.

In its earliest iteration, I imagined my work righting these wrongs by providing a comprehensive history of violence against women in the United States. In the absence of comprehensive crime data, however, I would not be able to get a sense of the violence rates, nor would I be able to develop a rich history of experience—and the individuals who face interpersonal violence need a history—without a tighter focus. I went back to the drawing board. When you live in the Gallatin Valley in south central Montana, however, the drawing board is often a stretch of the area’s trail systems, which cut through thousands of miles of open land. It was standing atop Hyalite Peak gazing equally off towards Yellowstone and down at the rock wedged into the mountaintop, on which someone had scribbled “Hike and Read,” that it dawned on me to look closer. And I looked to Butte.

Butte is at once representative and unique. In the early twentieth century, Butte, located in the Rocky Mountains of western Montana, was the principal copper producer in the world and home to the largest population in the five-state region. Although its economic dependence on resource extraction was, in a sense, western, the metropolitan center’s industrial economy and demographic makeup closely paralleled many cities

⁸ See Marcus Rediker, *The Slave Ship: A Human History* (New York: Viking, 2007).

⁹ Susan Brownmiller, *Against Our Will: Men, Women, and Rape* (New York: Bantam Books, 1975).

across the nation.¹⁰ People know Butte as a wide-open town, where according to historian Mary Murphy, “a man could buy a drink, place a bet, or visit a prostitute at any hour of the day or night without worrying about being arrested.”¹¹ Others lauded it as the “Gibraltar of Unionism,” where nearly everyone, from miners to newspaper boys were unionized. Butte was also the West – a region where violence has often been imagined as exceptional. Butte certainly had its share of violence. As my research shows, the wide-open culture and strong labor movements often antagonized violence, although not to the same extent over time. Although labor violence, vigilantes, and bandits have occupied the histories of western violence, I knew this was only a sliver of a larger narrative.

I was, in part, drawn to Butte because I wanted to know how women fit into this narrative. What might it mean if I told the history of, what some consider, a violent town located in the vicious West from the perspective of women? Butte, after all, was unique from other mining towns in its fast transition from mining camp to metropolis. At the turn-of-the-twentieth century, citizens had built churches, schools, and neighborhoods in and among the head frames of the mines, attesting to the presence of families.¹² Although the city was predominantly male for the first two decades of the century, women helped shape the community in significant ways. As early as 1890, a group of working women formed the Women’s Protective Union (WPU). Dedicated to promoting the welfare of women, the membership included hotel maids, bucket girls—who prepared lunches for

¹⁰ Janet L. Finn, *Mining Childhood: Growing up in Butte, Montana, 1900-1960* (Helena: Montana Historical Society Press, 2012), 15; Mary Murphy, *Mining Cultures: Men, Women, and Leisure in Butte, 1914-1941* (Chicago: University of Illinois Press, 1997), 20.

¹¹ Mary Murphy, “Bootlegging Mothers and Drinking Daughters: Gender and Prohibition in Butte, Montana,” *American Quarterly* 46, no. 2 (1994): 177.

¹² See Finn, *Mining Childhood*; Murphy, *Mining Cultures*.

the miners—restaurant employees, and women who worked in the boarding houses where the city’s industrial workers lived.¹³ In the 1920s, 1930s, and 1940s, the gender ratio evened out and family amusements overtook the rowdy activities of earlier days. Setting my research in Butte and extending the study over a forty-year period allows for a thickly described analysis of gendered violence.

I chose to focus my research on the twentieth century because during this period two significant changes occurred that altered the criminal landscape. First, by 1900, the U.S. had become the most homicidal nation in the Western world – a trend that would continue to the present.¹⁴ It had also become a powerful industrial nation, and although we commonly link early twentieth century violence to labor battles, the number of deaths and injuries that resulted directly from political conflict were minor compared to the rates of violence between individuals.¹⁵ Second, criminal law altered substantially in the early twentieth century when the federal government extended its legal influence over local jurisdictions in unprecedented ways.¹⁶ This led to more uniform legal encoding across the nation. At the same time, however, jurisdictions maintained uniqueness if not in the written law, certainly in its execution. As legal historian Lawrence M. Friedman argues, despite the increasing role of the federal government in law during the twentieth century,

¹³ See Marilyn Maney Ross and Janet L. Finn, “Sisterhood is powerful: The Labors of the Butte Women’s Protective Union, in *Motherlode: Legacies of Women’s Lives and Labors in Butte, Montana*, eds. Janet L. Finn and Ellen Crain (Livingston, Montana: Clark City Press, 2005).

¹⁴ Randolph Roth, *American Homicide* (Cambridge: Harvard University Press, 2009), 15.

¹⁵ Randolph Roth, “Measuring Feelings and Beliefs that May Facilitate (or Deter) Homicide: A Research Note on the Causes of Historic Fluctuations in Homicide Rates in the United States,” *Sage* 12, no. 2 (2012): 6.

¹⁶ See Lawrence M. Friedman, *Crime and Punishment in American History* (New York: Basic Books, 1993).

“jurisdiction stops at the border: the boundary between . . . [cities and states] is a fine mesh that lets everything flow through except one: the law.”¹⁷ Additionally, scholars, including David Peterson del Mar, have argued that instances of wife assault increased over the course of the twentieth century. Researchers, however, had yet to perform a careful statistical analysis of crimes against women (rape, wife assault, and stranger assault) during this period.

While my research has altered significantly overtime, the original impetus has remained the same. At the heart of it is a desire to confront the alarmingly high rates of violence against women and to examine the structures that allow violence to persist. As I have worked towards this goal, I have often thought of a quote from the 2003 film *Cold Mountain*. In discussing the Civil War, the character Ruby exclaims, “They call this war ‘a cloud over the land’ but they made the weather and then they stand in the rain and say ‘Shit, it’s rainin!’” The systems of violence discussed throughout this work are systems in which we all participate. The practice of violence, while never excusable, does not spring up all of a sudden from nowhere. In fact, it has a history.

My interdisciplinary approach to violence against women is of particular import. The abuse of female bodies does not start or stop at the entryway of the home or the dark alley. It does not start or stop in the courtroom. It is insidious. This project is both a history of violence in a particular locale and a cultural study of the gendered nature of violence. This piece tells one story from four separate yet intricately linked vantage points: the rates and patterns of violence, the cultural interpretations of violence, the legal

¹⁷ Ibid., 264.

encoding and policing of violence, and women's resistance to violence. Additionally, this project looks at rape and wife assault simultaneously, as these are both crimes that overwhelmingly impact women. Examining these crimes in tandem throughout the twentieth century, before the advent of spousal rape or domestic violence law, and within the larger context of all violent crimes, demonstrates the ways in which violence not only worked to maintain male power, but also to define relationships between related and unrelated men and women. The redefinition of these relationships and identities, however, did not only occur through physical force, but also through institutional and epistemic violence practices.

Chapters two through five of my dissertation rely on the forty years of rape, homicide, and assault data that I collected in Butte. In these chapters, I examine the frequency and patterns of various forms of violence and the social, cultural, and economic correlates that coincided with swelling and waning rates. Significantly, this data demonstrates that even as male-on-male violence decreased between 1910 and 1950, male-on-female violence increased exponentially. Similarly, the women most likely to suffer brutal attacks remained in flux. At various times, men were more or less likely to abuse wives or women on the streets. These patterns illustrate important shifts in the populations most likely to be the victim/survivor of violence.

In chapter six, “‘Insane Love’: Constructing Violence Against Women in the Press,” I rely on newspaper accounts and serials that recount incidents of violence and discuss views of womanhood, manhood, sex, and crime, to trace the development of accepted violence narratives and the forces that shaped them. Specifically, I focus on the construction and reproduction of the jealous husband narrative. In the 1910s, jealousy

became the dominant narrative through which the city's media reported wife homicides. While jealousy may have been a contributing factor in particular crimes, the media generated jealousy narrative as motive and even justification was firmly rooted in beliefs about masculinity, femininity, marriage, and fidelity. More than a passing construction of crime, however, this narrative became entrenched in the practice of law when murderous husbands and lawyers called on it to legally excuse men's use of lethal force.

Intimately connected to cultural constructions of violence are the legal definitions of crime and the execution of law. Drawing on Montana state supreme court cases, legislative assembly notes, and law codes, in chapter seven, "It is a Lamentable Fact that there is no Law": The Law and its Gendered Execution," I examine the ways in which the law constructed bodies of potential perpetrators and/or victims and either provided for or inhibited equal access to protection. In bringing together close readings of state and local laws and trial transcripts, I also investigate the fluid ways in which its practitioners interpreted and executed the law. Although from a presentist perspective, the execution of rape law appears static, the use of chastity in rape trials reveals much about how justice systems reflect and reinforce gendered constructions. It also roots legal practice in history. Specifically, in this chapter, I argue that the link between chastity and veracity came to be in the 1920s, and in many ways made rape allegations harder to prove than they had been in the previous two decades. Additionally, while defense attorneys in wife assault trials, continued to draw on women's success or failure as a wife to establish provocation and justify force, the measure of a wife's accomplishment changed. In particular, in the 1940s, rather than introducing a woman's failures within the home to show just cause, lawyers began to ask if the woman was in the home at all.

Although in many ways my chapters focus on the solidification of male privilege through physical, epistemic, and institutional violence and while I only have one chapter explicitly dedicated to women's resistance, women remain central to my story. In fact, it is necessary that we remember that every woman I introduce in the following pages opposed these abuses in significant ways. They filed legal complaints, built networks of friends, and physically fought back, and in this way inserted themselves into public record. Whenever possible, I have tried to report incidents from their vantage point, and if a woman claimed that an abuse had taken place, I accept that claim without question.¹⁸ Considering how underreported violence against women was/is accepting all claims is one way to compensate for what is in all likelihood an underestimate of these crimes. I have also worked to bring some of the women discussed throughout chapters two through seven into my final chapter, in order to demonstrate more successfully women's opposition to oppressive structures.

In considering various forms of violent crime and a myriad of factors that contribute to and moderate brutality, the history of force in Butte contributes to larger conversations about violence against women, domestic abuse, and violence more generally in several important ways. First, it expands a robust conversation about the history of homicide by looking at multiple forms of violence (rape, assault, and homicide). Second, it places the abuse of female bodies in the context of all violent crime, arguing that because men committed the majority of violent crimes, both male-on-male and male-on-female violence are similar exertions of male power and self-assertion

¹⁸ See Joanna Bourke, *Rape: Sex, Violence, History*; Estelle B. Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge: Harvard University Press, 2013), 9.

even if different power relationships govern them.¹⁹ Third, the project investigates the development of violence narratives, which have significant consequences for how the law defines crimes, how offenders will be tried and sentenced, and how preventative strategies are developed. Additionally, in providing this comprehensive history of gendered violence, my research contributes to case studies and data collection conducted by other historians, as we attempt to piece together America's violent past.

This brings me to an important note on the title. My title, "And They All Fell Silent," speaks to two silences – the silencing of women in historical records and in the writing of violence history. Researching and crafting this project required a careful reading of silences. What the silence of the record revealed, however, was that women themselves were far from quieted. What started as the recognition of a whisper gave way to the appreciation of a roar. A roar evidenced in the rich voices of the women who spoke for themselves, fought back, and sometimes died.

¹⁹ See Pamela Haag, "The 'Ill-Use of a Wife:' Patterns of Working-Class Violence in Domestic and Public New York, 1860-1880," *Journal of Social History* 25, no. 3 (1992): 447-477.

MILE HIGH, MILE DEEP: TRACING THE VEINS OF VIOLENCE

At 3:00 a.m. on August 1, 1917, a group of masked men claiming to be police officers pulled Frank Little, an IWW leader, out of his bed at a local Butte boarding house. They “tied him to the back bumper” of their car, and dragged him several blocks to the Milwaukee Railroad trestle. After severely beating him, they pinned a note, reading, “First and Last Warning!” to his chest, and lynched him.²⁰ Nine days later, Myrtle Fosnacht’s husband, Francis, in another public display of violence, ruthlessly beat and threatened to kill her on Main Street in Butte.²¹

While the lynching of Frank Little is Butte’s most infamous murder and an example of the violence that is often associated with labor struggles, Myrtle Fosnacht’s abuse remains shrouded in silence. Little’s grave, set in a far row of Butte’s Mountain View cemetery is bordered by a cast iron fence and capped with a stone reading, “slain by capitalist interests for organizing and inspiring his fellow men.” It is here visitors leave flowers, bottles of whiskey, and union badges as homage to the labor organizer. Conversely, Fosnacht’s grave, like the public memory of her life and death, is lost. Scant records that fail to document the outcome of her case obscure even the details of her public abuse.

²⁰ Jonathan Alan Axline, “This is a Case for the Police!: The Butte Police Department, 1914-1920 (master’s thesis, Montana State University, 1985), 11, 12; Standard Certificate of Death, State of Montana. August 1, 1917, Registered No. 761, State File No. 22319, Death Certificates 22299 – 22533, Butte-Silver Bow Public Archives, Butte, Montana; Michael Punke, *Fire and Brimstone: The North Butte Mining Disaster of 1917* (New York: Hyperion, 2006), 207.

²¹ State of Montana v. Francis Fosnacht, *Record of Criminal Actions*, Justice Court, August 10, 1917, Vol. 10, pg. 384, Butte-Silver Bow Public Archives, Butte, Montana.

The history of violence in the American West has captured the attention of scholars as well as the popular imagination for decades.²² Novels, films, scholarly articles, and most recently video games have dedicated hundreds of pages and countless hours of media production to gold camp desperados, vigilantes, bandits, and early twentieth century labor agitators, like Little, while the history of more intimate violence remains quieted. That is the violence exacted against female bodies. Although the assault of Fosnacht and the murder of Little are seemingly unrelated, when read together they offer a more complete understanding of the history of violence and where women appear or fail to appear in a predominantly male narrative of America's violent past.

This study, in its discussion of three kinds of violent crime—rape, homicide, and assault—presents a more complete depiction of this history. It allows for the interrogation of gendered violence within the context of overall violent crime and permits an analysis of changes over time. Figures 1 and 2 were constructed from extensive research in the archives, newspapers, court records, and from other primary and secondary sources. The two graphs reveal a great deal about the level and nature of gendered violence in Butte.

They form part of the quantitative foundation upon which others chapters in this

²² For histories of violence in the West, see Randolph Roth, Michael D. Maltz, and Douglas L. Eckberg, "Homicide Rates in the Old West," *Western Historical Quarterly* 42, no. 2 (2011): 173-195; Ruth E. Mather and F. E. Boswell, *Gold Camp Desperadoes: A Study of Crime, Violence, and Punishment on the Mining Frontier* (Norman: University of Oklahoma Press, 1990); Roger D. McGrath, *Gunfighters, Highwaymen & Vigilantes: Violence on the Frontier* (Berkeley: University of California Press, 1984); Richard Slotkin, *Regeneration Through Violence: The Mythology of the American Frontier, 1600-1860* (New York: Harper Perennial, 1973); W. Eugene Hollon, *Frontier Violence: Another Look* (New York: Oxford University Press, 1974); Robert R. Dykstra, "Quantifying the Wild West: The Problematic Statistics of Frontier Violence," *Western Historical Quarterly* 40, no. 3 (2009): 321-347; and Robert R. Dykstra, "Body Counts and Murder Rates: The Contested Statistics of Western Violence," *Reviews in American History* 31 (2003).

dissertation builds. Both the qualitative and quantitative evidence complement one another in this study.

Violence in Butte varied both by gender and over time during the first half of the twentieth century (see Figure 1). During the 1910s, violence against men (shown in red in figure 1) was more common than that against women (shown in blue in figure 1); however, the rates followed the same pattern, peaking in strike years, 1914 and 1917. During the interwar years (1919-1939), patterns of violence against men and women diverged. Specifically, the rates of violence against women increased significantly while violence against men declined. Although overall violence decreased in Butte during these years, the data indicate an important reversal in who is on the receiving end of viciousness. In the 1940s, this trend continued, and the abuse of women far surpassed that of men (figure 1). The world for women, then, became much more violent over the first half of the twentieth century.

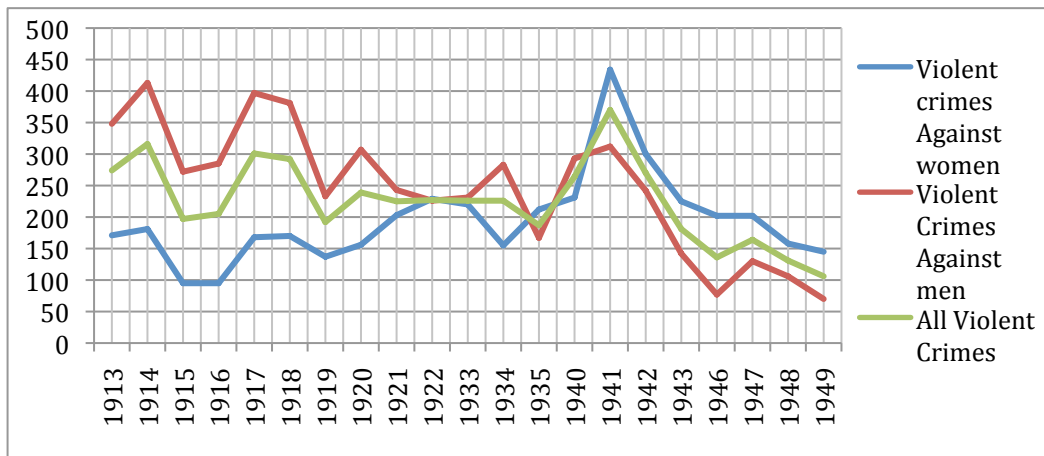


Figure 1: Rates of Gendered Violence in Butte, Montana, 1910-1950. Rates of “All Violent Crime” were figured per 100,000 adults. Rates of “Violent Crimes Against Women” were figured per 100,000 women. Rates of “Violent Crimes Against Men” were figured per 100,000 men.

In addition to women suffering more assaults over time, the type of violence most frequently perpetrated against women also shifted over time (see Figure 2). In the 1910s, wife assault accounted for the greatest number of cases of violence. Starting in the 1920s, however, women were increasingly vulnerable to violence occurring on the streets. While wife assault was the most common form of violence against women, male-on-female stranger assault—assaults between unmarried adults—occurred at similar rates. In the 1930s, street violence surpassed wife assault, signaling an important shift in the female populations most affected by violence and the type of abuse most frequently perpetrated against women. During the 1940s, violence against women returned to the home and wife assaults again occurred at a higher rate than any other form of male-on-female violence. Simultaneously, most other forms of violence declined.

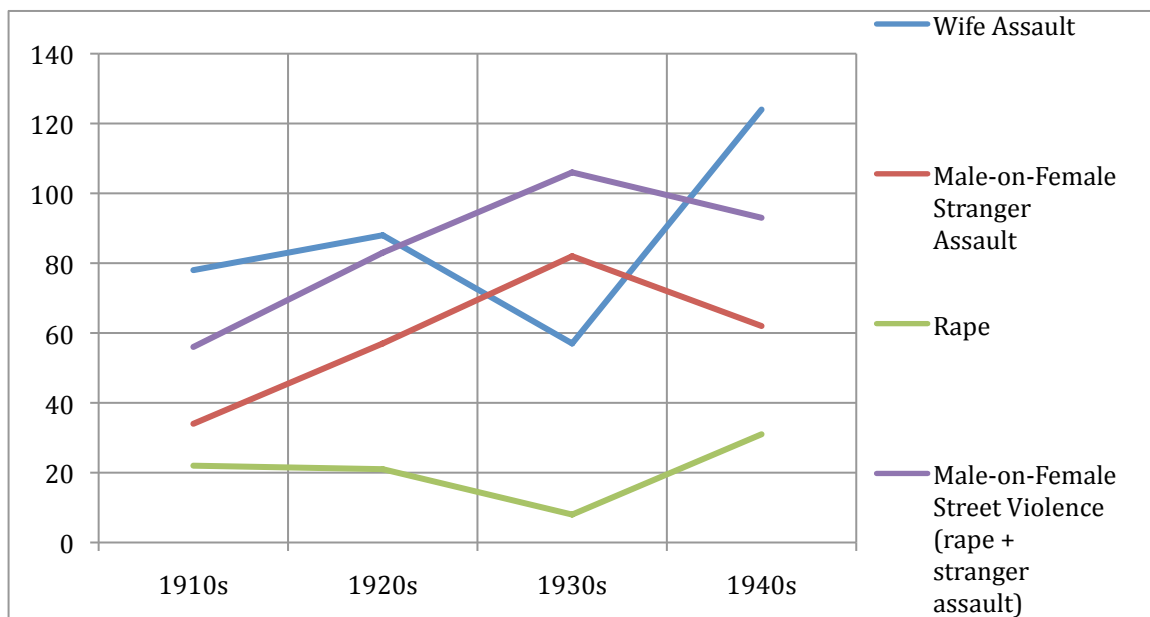


Figure 2: Decade Rates of Violence Against Women in Butte, Montana, 1910-1950

The data is suggestive about the “causes” of spikes in different types of violence during the first half of the century. Chapters three, four, and five examine a range of economic, social, and cultural factors that may have shaped the character and timing of violence. Briefly, among the findings are the following. In the 1910s, economic downturns, labor strife, and the structural subordination of men through economic and material means correspond with increases in overall violence rates. Additionally, during these years, male-on-male public brutality was more central to masculine performance. This may help to explain why the greatest number of violent crimes occurred in public spaces and between men. Conversely, in the interwar years (1919-1939), while economic difficulty remained, men were less likely to abuse other men. Changes in the target of male aggression (from men to women) in the interwar years corresponded with demographic shifts, alterations in the definitions of masculinity, and the role of violence within that masculine construction and performance. Specifically, the population of Butte decreased, more men were married, and more women lived in the city. Men were encouraged to be companionate husbands and attentive fathers, and public acts of aggression grew less acceptable.

Although the individual motives and larger socio-economic and cultural correlates to significant increases in crimes against women and those against men differed at times, they are not entirely disconnected. The rates of violence recorded in Butte illustrate the importance of reading *cultures* of violence, including male-on-male, male-on-female, female-on-male, and female-on-female. Even as they existed simultaneously, they were agitated or alleviated due to varied socio-economic pressures and cultural expectations.

This is especially apparent when gender is the primary analytical lens through which we read violence.

Staking a Claim:
The Landscape of the History of American Violence

Despite an ever-increasing academic interest in the history of violence, most contemporary scholarship focuses on one type of violent crime rather than mining a collective picture of disorder by examining a wider range of vicious acts.²³ Indeed, in their desire to address rising levels of violence in contemporary America, which greatly exceeds those of other Western wealthy nations, scholars frequently turn to case studies of homicide.²⁴ Focusing on homicide, while an important part of the study of violence in America, continues to ignore significant forms of non-lethal abuse in the family and on the streets.²⁵ If violence is understood in a broader sense, as this study defines it, as a behavior in which physical force is used against a person to produce harm, an analysis of assault, rape, and homicide provides a more comprehensive look at this history.

Moreover, the role of women as victims, survivors, and perpetrators of violence should be more successfully incorporated into historical analysis of America's violent past. Histories that examine violence in America and the American West, especially as it

²³ See Joanna Bourke, *Rape: Sex, Violence, History*; Estelle B. Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge: Harvard University Press, 2013); Roth, *American Homicide*; Roth, Maltz, and Eckberg, "Homicide Rates in the Old West"; Robert R. Dykstra, "Quantifying the Wild West: The Problematic Statistics of Frontier Violence," *Western Historical Quarterly* 40, no. 3 (2009): 321–347.

²⁴ Roth, Maltz, and Eckberg, "Homicide Rates in the Old West," 173.

²⁵ Murray A. Straus, Richard J. Gelles, and Suzanne K. Steinmetz, *Behind Closed Doors: Violence in the American Family* (New Brunswick: Transaction Publishers, 2009), 15.

relates to labor struggles, tend to focus on male-centric readings of violence while neglecting the domestic spillover.²⁶ While men have consistently committed the bulk of violent crime, to ignore the gendered nature of crime is to essentialize the performance of force and cement static gender binaries in criminal studies.²⁷

Histories that do examine violence against women often do so in isolation from other forms of violence.²⁸ While historians, including David Peterson del Mar, have made compelling claims as to why violence against women increased over the course of the twentieth century, studying solely the abuse of women fails to get at many of the underlying issues associated with this persistent form of brutality. Peterson del Mar, for example, argues that swelling rates of wife assault in the first two decades of the twentieth century coincided with a rise in consumer culture, which ran contrary to values of self-restraint that had kept violence in check in earlier periods. While this might account for increases in wife assault, it does not help explain why women faced increasing danger even as male-on-male violence declined or why women on the streets faced greater danger than wives during the interwar years.²⁹ It is necessary that the often private violence against women be examined within the larger context of all violent

²⁶ See Thomas Andrews, *Killing for Coal: America's Deadliest Labor War* (Cambridge: Harvard University Press, 2008); Michael Punke, *Fire and Brimstone*.

²⁷ See Joachim Kersten, "Culture, Masculinity, and Violence Against Women," *The British Journal of Criminology* 36, no. 3 (1996): 381-395.

²⁸ See Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence, Boston, 1880-1960* (New York: Viking, 1988); Estelle B. Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge: Harvard University Press, 2013); Bourke, *Rape: Sex, Violence, History*; David Peterson del Mar, *What Trouble I Have Seen: A History of Violence Against Wives* (Cambridge: Harvard University Press, 1996).

²⁹ del Mar, *What Trouble I Have Seen*, 5.

crime, including male-on-male violence and male-on-female street assault in order to create a more complete picture of violence against women.³⁰

Still other scholars have tended to view violence against women as a backlash response to expanded rights for women. As men consistently perpetrate the majority of violent crimes and as a great number of Americans still embrace patriarchy, this is an important part of the narrative. However, it is only a part. Altered gender relations is one of a myriad of perceived “threats” to masculinity and those alterations are not exclusively the product of growing female equality. In Butte in the 1940s, for example, soldiers posed the greatest threat to mining masculinity. Women, however, continued to endure the bulk of male physical aggression. Additionally, as Linda Gordon rightly argues, wife assault (and I would add all violence against women) is also the product of specific political, economic, and social forces.³¹ Isolating one trigger and assuming that all men responded to threats in the same way and for the same reasons across time is ahistorical.

We will better understand the condition of patriarchy by taking into account larger structural forces that dictate men’s relationships with women and even other men. Tracking violence trends through time allows one to identify the way larger forces shaped abuse. As crime data from Butte illustrates, in different years and decades, men have exacted more or less violence against other men, their wives, and women who were not their wives. Examining wife assault and violence against women more generally alongside other forms of violence provides an opportunity to explore the nuances of male

³⁰ See Pamela Haag, “The ‘Ill-Use of a Wife:’ Patterns of Working-Class Violence in Domestic and Public New York, 1860-1880,” *Journal of Social History* 25, no. 3 (1992): 447-477.

³¹ Gordon, *Heroes of Their Own Lives*, 251.

responses not only to expanding rights for women, but also to economic, demographic, and cultural shifts, which may constitute perceived threats to masculinity. The dissertation thus synthesizes sociological feminist analysis and family violence perspectives. It analyzes abuse as a product of patriarchy but one influenced by external pressures.³²

Mining the Data: A Note on Methods and Analysis

As Myrtle Fosnacht's case illustrates, the history of violence against women is often obscured by incomplete or absent sources. Indeed, court employees frequently scribbled "do not publish" across rape records for Jennie Does, leaving little evidence of the circumstances of the crimes or the women who survived them.³³ As historian Randolph Roth explains in *American Homicide*, the only way to accurately record violence "is to review every scrap of paper on criminal matters in every courthouse, every article in every issue of a number of local newspaper, every entry in death records, and every local history based on lost sources, local tradition, or oral testimony."³⁴ Even for the twentieth century, official data, including that collected by the Census Bureau, FBI, and the National Center for Health Statistics, only record the number of crimes rather than their circumstances. To understand the causes and effects of violence, one

³² See Kristen L. Anderson, "Gender, Status, and Domestic Violence: An Integration of Feminist and Family Violence Approaches," *Journal of Marriage and Family* 59, no. 3 (1997): 655-669.

³³ *Record of Criminal Actions*, Justice Court, 1910-1950, Butte-Silver Bow Public Archives, Butte, Montana; *Record of Criminal Action*, District Court, 1910-1950, District Court Second Judicial District, Butte, Montana.

³⁴ Randolph Roth, *American Homicide* (Cambridge: Harvard University Press, 2009), xi-xii.

must probe all the available primary documents; even then, many conclusions remain somewhat speculative, although it does get us closer to understanding both gender and violence.³⁵ To collect data that would aid in reconstructing a history of violence against women, this study relies primarily on district court records, justice court records, death records, and newspapers.³⁶

The difficulty of data collection and my desire to extend the conversation of violence beyond homicide required that I set clear parameters for the types of criminal force I would count. Violent crime, according to the FBI's Uniform Crime Reporting Program, includes robbery, murder, forcible rape, and assault. While robbery is included in the FBI's definition of violent crime because it involves force or the threat of force, I chose to focus on rape, assault/wife assault, and murder, as individuals perpetrate these crimes with the intent to injure a person and, therefore, they fall into the definition of violence discussed above.³⁷ Additionally, because the patterns of and reasons behind crimes against children differ from those among adults, and because I am particularly concerned with the treatment of adult women in legal and cultural discourse, this study only deals with violence among adults.³⁸

³⁵ Roth, *American Homicide*, 435.

³⁶ While there are few local histories or oral testimonies that speak to violence against women, the scouring of other available sources has allowed for the reliable collection of violence patterns and trends over time, and at the very least provides for a minimum count of each type of crime. See Roth, Maltz, and Eckberg, "Homicide Rates in the Old West," 173.

³⁷ "Violent Crime," *FBI Uniform Crime Reports*, U.S. Department of Justice Federal Bureau of Investigation, last modified 2011, <http://www.fbi.gov/about-us/cjis/ucr/crime-in-the-u.s/2011/crime-in-the-u.s.-2011/violent-crime/violent-crime>.

³⁸ Roth, *American Homicide*, xv.

Moreover, because I am concerned with the sex of both victim/survivor and the perpetrators, this examination, in addition to considering three forms of violent crime, breaks non-sexual violent acts into several more revealing categories. Male-on-male assault/homicide includes crimes in which both the perpetrator and the victim were male. Male-on-female assault/homicide discusses violence in which the assailant was male and the victim was female. Wife assault/homicide specifically addresses cases in which husbands' abuse was directed at their wives.³⁹ Female-on-female assault/homicide describes violence in which both the perpetrator and the victim were women. Female-on-male assault/homicide covers crimes in which women perpetrated violence against men.⁴⁰ Figure 3, for example, shows the rates of male-on-male, male-on-female, female-on-male, and female-on-female assault. Assaults accounted for the highest number of violent crimes in Butte between 1910 and 1950; again, men committed the bulk of all assaults.

³⁹ I have selected to use "wife assault" rather than "domestic violence," as gender-neutral language conceals the fact that women are much more frequently the targets of violence in the home and that men perpetrate the majority of violent crime. See N. Zoe Hilton, *Legal Responses to Wife Assault: Current Trends and Evaluation* (Newbury Park, CA: SAGE Publications, Inc., 1993), 5.

⁴⁰ I do not have a category for husband assault, as there is little evidence that wives abused their husbands to any large degree. This is not to say that it did not happen, but if it did occur, formal complaints were rarely, if ever, filed and newspaper accounts of crime do not provide substantial evidence of husband assault. Wives, however, did kill their husbands in a few instances, but I will be careful to distinguish between domestic homicides perpetrated by wives from those committed by husbands.

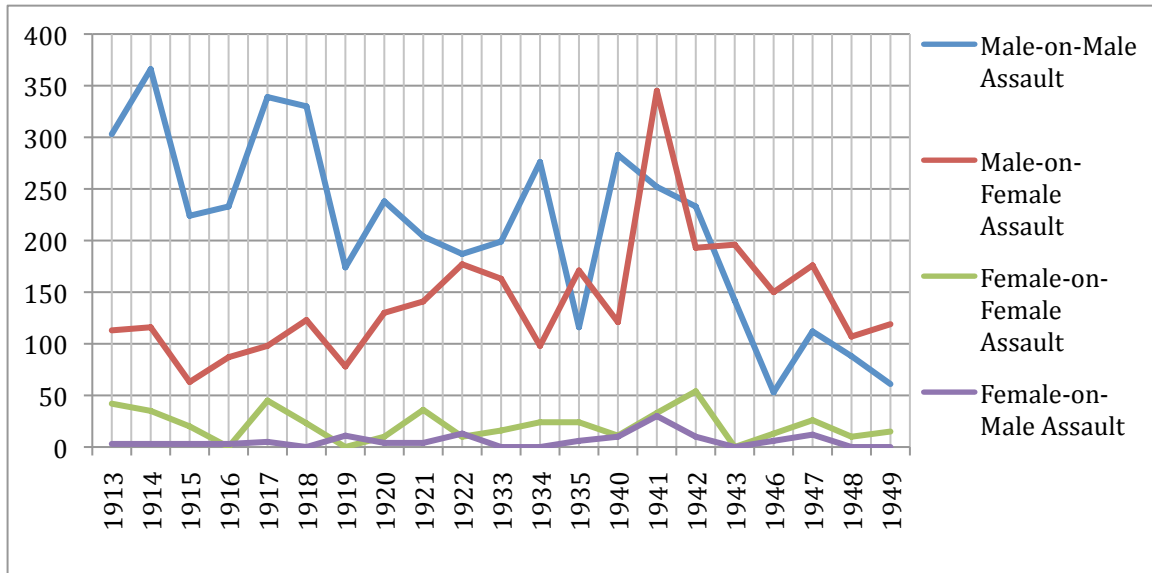


Figure 3: Rates of Assault in Butte, Montana, 1910-1950

Because I am especially concerned with women’s experiences with violence and the relationship between perpetrators and victim/survivors, within the category of male-on-female violence I have further separated wife assault, male-on-female stranger assault/homicide (that is non-sexual violence between unmarried adults), and rape. The further parsing of rape is not helpful because Montana narrowly defined the crime, as “an act of sexual intercourse accomplished with a female not the wife of the perpetrator.”⁴¹ While the sexual assault of males and wives certainly occurred, when I refer to rape, I am only speaking to those crimes that the law, between 1900 and 1950, recognized as rape. Additionally, male-on-female street violence as a category includes rape and male-on-female assault and allows crimes against women on the streets to be distinguished from violence within the home (figure 4).

⁴¹ Montana Rev. Code Ann. § 11000 (1921).

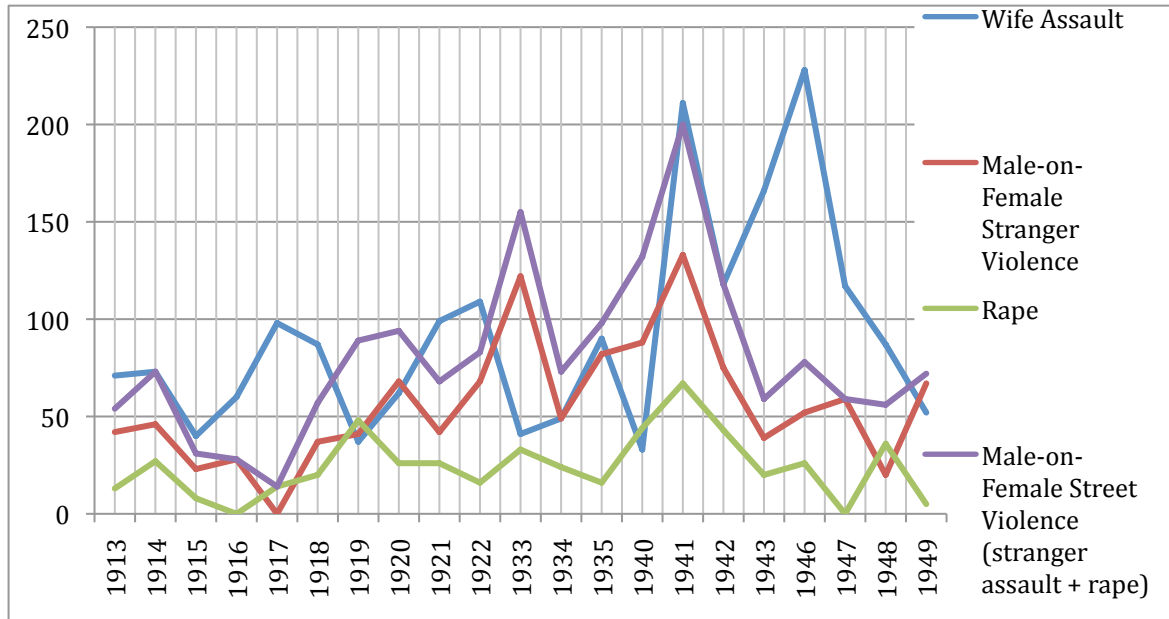


Figure 4: Rates of Violence Against Women in Butte, Montana, 1910-1950

Measuring homicide, even where a body count can be more easily obtained, as Roth has noted, is very labor intensive. Uncovering instances of rape and wife assault using the available sources presents additional challenges. Without the presence of arrest records and even with the records available, there are obvious limitations. When a violent crime occurs, for example an assault, and the police make an arrest, the police produce an arrest record. Conversely, if officers did not make an arrest, a record would not be produced at this stage. Unfortunately, Butte arrest records were not archived, limiting the number of crimes I was able to include and count in this study. Whether or not the police make an arrest, the individuals involved in the assault, the police, a witness, or the county attorney, may elect to file a complaint. If the complaining witness was not the victim/survivor of the crime, it was sometimes difficult to determine who the victim/survivor was and what their relationship to the offender was. When the complaining witness was recorded, I was sometimes able to access census data, marriage

certificates, or divorce documents that allowed me to piece together the circumstances of the relationship between victim/survivor and offender. This study by no means purports to be complete, as most of the crimes available for recording relied on an individual filing a formal complaint about a specific instance of abuse.

Documenting wife assault, which Montana law did not specifically address until 1985, required that in addition to counting assaults, I searched for information about the relationship between assailant and survivor. Since courts rarely produced trial transcripts and as county attorneys often filed the complaints leaving no record of the victim/survivor of the crime, this was often difficult. Couples who cohabitated, but never formally married also posed a particular challenge. In 1915, when police discovered forty-year-old Kate Bills' body badly beaten in her basement apartment, for example, it was only due to a very rare coroner's note that I was able to count this crime as a domestic homicide. The coroner in this specific case indicated on Bills' death certificate that she and Tom Reese, whom newspapers later identified as her killer, lived together "as man and wife."⁴² Even when I could establish the relationship between the perpetrator and victim/survivor, wife assault is a crime that usually involves several tactics for asserting and maintaining dominance; physical violence is only one of them.⁴³ With the limited records available, this study was only able to identify physical abuse when a

⁴² Coroner's Register, Kate Bills, #65, January 16, 1915, Butte –Silver Bow Public Archives; "Woman's Body Bruised Badly," *Butte Miner*, January 17, 1915.

⁴³ Michael P. Johnson, "Two Types of Violence Against Women in the American Family: Identifying Patriarchal and Common Couple Violence." Paper presented at the Annual Meetings of the National Council on Family Relations, Irvine, CA, November 1999, 2.

petitioner filed a formal complaint, and it was unable to speak to emotional abuse or other controlling tactics.

The collection of rape crime data, too, presents problems, as the narrow legal definition excluded wives and men who were victims. Additionally, the fear and shame associated with the crime and the cost of legal proceedings has likely silenced far more instances than I could record here. Moreover, courts often recorded rape and attempted rape as assault, depending on the legal system's identification of the act as "complete."⁴⁴ While the data I have collected likely only speaks to a fraction of the total violent crimes committed, it does provide evidence of the patterns of violence and illustrates, for example, that wife, male-on-male, and male-on-female street assault occurred to greater or lesser degrees at particular moments.⁴⁵

The collection and calculation of crimes against adults was straightforward. After establishing the type of crimes I wanted to record, I made a list of every instance of all three crimes using death certificates, justice court records, and district court records. I then checked all of the lists against one another to account for overlap. For example, individuals often filed criminal complaints with the justice court, which judges sometimes bound over to the district court, leaving two records for a single crime. The data collected accounts for crimes that may appear in multiple records, but does not double count them. After recording the total number of each type of crime, I figured the rates of those crimes per 100,000 people. This is the standard reporting method among

⁴⁴ See *State of Montana v. Henry Poulos*, July 26, 1920, District Court Second Judicial District, County of Silver Bow, register/case no. 5652, Butte-Silver Bow Public Archives, Butte, Montana.

⁴⁵ Straus, Gelles, and Steinmetz, *Behind Closed Doors*, 6, 19.

criminologists and historians alike and will thus allow scholars to use the findings in this project comparatively. To calculate rates for individual years, I added the total number of crimes, divided it by the population, and multiplied it by 100,000. For example, to compute the rate of rape for 1914, I took the total number of rapes (seven) and divided it by the adult female population (25,920). I then multiplied the quotient (0.00027006) by 100,000. The rate of rape for 1914, then, was 27 per 100,000 people. To determine decade rates, I calculated the average number of a given crime, divided it by the average population for the decade, and multiplied it by 100,000. For example, in the 1910s, the average number of rapes per year was five. I divided this number by the average adult female population for the decade (23,203), the quotient of which was 0.0021549. I multiplied this number by 100,000, the product of which was 21.5. I rounded this number up to 22. The decade rate of rape for the 1910s then was 22 per 100,000. For crimes, like rape, that are gender specific, I calculated rates using only the at risk populations (i.e. the total adult male or female population).⁴⁶ Alternatively, for overall violence (violence against men and women), I estimated rates using the total adult population.

The selection of study period is also important to this type of data collection. While some historians, including Robert R. Dykstra, maintain that there is a fallacy in small numbers collected in a single study space like Butte, extending the study of violence over time does produce sufficiently reliable numbers. Because rates of violence for a single year can be misleading, as rates can vary dramatically from year to year, it is necessary to study several years in order to draw accurate inferences using statistical

⁴⁶ See Roth, Maltz, and Eckberg, "Homicide Rates in the Old West."

data.⁴⁷ This study, which spans forty-years, relies on twenty-one years of data from which I was able to average rates of violence over time.⁴⁸ For example, in the 1940s, I did not collect data for 1944 or 1945, but I was able to form a reliable understanding of violence rates during these years using data that I had collected for the rest of the decade. The years selected for close analysis represent moments in which labor struggle, war, or economic booms and busts may have influenced violence. Because those years might represent higher rates, I balanced them with years of relative stability. For example, in 1914 and 1917, Butte miners went on strike. Between these years, the population of Butte swelled as miners poured into the city to meet the demands for copper to fuel WWI. Because one might expect that these correlates would lead to surges in violence, I extended the study of this tumultuous time from 1913 through 1922. This allowed for a more accurate reading of violence trends through time. As Butte experienced several population booms and busts, I used average populations to determine rates of violence across decades, but I also figured yearly rates, so that I could compare violence in specific moments where factors, including strikes, might have affected rates.⁴⁹ The twentieth century is also significant because by 1900, the U.S. had become the most homicidal country in the Western world.⁵⁰

⁴⁷ Roth, Maltz, and Eckberg, "Homicide Rates in the Old West," 177.

⁴⁸ Specifically, I collected data for 1913, 1914, 1915, 1916, 1917, 1918, 1919, 1920, 1921, 1922, 1933, 1934, 1935, 1940, 1941, 1942, 1943, 1946, 1947, 1948, and 1949.

⁴⁹ I based my selection of years and the tabulation of rates on models used in several well established texts, including Roth, *American Homicide*; Roth, Maltz, and Eckberg, "Homicide Rates in the Old West;" John Mack Faragher, *Eternity Street: Violence and Justice in Frontier Los Angeles* (New York: W. W. Norton and Company, 2016); Pamela Haag, "The 'Ill-Use of a Wife.'"

⁵⁰ Roth, *American Homicide*, 15.

Extracting a Violence Narrative:
Masculinity, Class, and Violence in Butte

Even though I set out to find meaning in the changing rates and patterns of violence against women in Butte and to construct a narrative of the violence they experienced, I quickly realized that this was also a story about men. Between 1910 and 1950, men committed the vast majority of violent offenses in Butte. In fact, contemporarily men continue to perpetrate the bulk of all violent crime. The type of violence and the target of men's brutality, as Butte data illustrates, however, are far from static. As such, central to my analysis in chapters one through three are questions about men. For example, why did men exert physical power over other men, wives, or women on the streets at different rates over time? Why, over the course of the first half of the twentieth century, were men less likely to abuse other men and more likely to murder their wives? While I do not desire to shift focus from women, in order to understand the increasing rates of violence perpetrated against their bodies, it is imperative that we examine the offenders themselves.

To address these questions, I grappled with the various constructions of Butte masculinity. That men committed the vast majority of violent crimes in Butte suggests that masculine notions of empowerment and privilege likely influenced violence trends. Changing rates of male-on-male and male-on-female violence, however, imply that the role of violence within the masculine ideal was mutable. Indeed cultures revise constructions of masculinity according to new or malleable definitions of the masculine

ideal.⁵¹ While definitions of manhood in Butte certainly changed overtime, a constant in Butte masculine constructions is the elevated status of miners. For miners, the everyday risk of their work forged a working-class identity defined by skill, courage, physical strength, one's willingness to do the work, autonomy from the company, and one's ability to survive the work.⁵² Even as Butte mines instituted state of the art safety procedures, the danger of the mines remained at the forefront of perceptions of the working-class and, therefore, remained central to men's identity. Indeed, signs posted at mine locations throughout Butte still prominently display the number of men who died in each of the city's mines.

Because of its elevated status, mining masculinity significantly shaped larger constructions of manhood in Butte, which were intimately connected to labor. As historian Mary Murphy explains, toughness was central to this identity as "men had to be physically and mentally tough to withstand the rigors of mining, both above- and below ground."⁵³ Even into the 1940s, this masculine ethic was, as Matthew Basso argues, "an essential part of how people thought about the city itself."⁵⁴ Although not all violent assailants were miners and while the experience of brutality was not limited to Butte's working-class, between 1910 and 1950 as Murphy and Basso have demonstrated, the character of the city was shaped by the working-class. Indeed, many of the male

⁵¹ See Gail Bederman, *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880-1917* (Chicago: The University of Chicago Press, 1995).

⁵² Matthew L. Basso, *Meet Joe Copper: Masculinity and Race on Montana's World War II Home Front* (Chicago: The University of Chicago Press, 2013), 28, 24.

⁵³ Mary Murphy, *Mining Cultures: Men, Women, and Leisure in Butte, 1914-1941* (Chicago: University of Illinois Press, 1997), 108.

⁵⁴ Basso, *Meet Joe Copper*, 26.

perpetrators I discuss throughout were miners, express men, and teamsters. Those who were not, lived with this dominant working-class ethic.

While the elevated status of mining men remained central to Butte masculinity, the role of violence as a performance of manhood shifted over time. In the 1910s, violence was, in many ways, central to the masculine ethic. In this period, the primarily unmarried male population that dominated Butte, engaged in fighting as a form of conflict resolution, in response to the difficulty of labor, and as a ritual part of friendship. In the interwar years (1919-1939), men's public displays of violence dissipated. Masculinity more closely centered more on a man's role as a husband and father, and the predominately male saloon culture of the 1910s gave way to family amusements. Moreover, the male-on-male violence that had dominated the 1910s faded, and women became the more frequent targets of men's brutality. By the 1940s, the men of Butte were significantly more likely to abuse and murder their wives than they had been in earlier decades.

Again, linking violence trends to specific factors is far from straightforward. As historian Eric H. Monkkonen argues, in his article analyzing homicide rates in Los Angeles, "the facts are elusive, the theories and hypotheses unconnected and speculative, and the data difficult to compile."⁵⁵ For the period that I am discussing, it is extremely rare to find evidence of an individual explaining their motive for a particular crime. If individuals selected to record this, their records were not archived. Additionally, the motives "uncovered" in trial transcripts, which courts rarely produced, and newspaper

⁵⁵ Eric H. Monkkonen, "Homicide in Los Angeles, 1827-2002," *The Journal of Interdisciplinary History* 36, no.2 (2005): 170.

accounts are not entirely reliable. Newspaper reports often derive explanations and justifications of a crime from cultural ideas circulating at the time, and prosecution and defense attorneys construct courtroom narratives, including motives, that they hoped would appeal to a jury's values and beliefs.⁵⁶ Where the voices of violent offenders can be uncovered, they rarely position their actions within larger socio-economic and cultural worlds. Their explanations often only point to an immediate motive rather than larger structural or institutional contexts for violence. Furthermore, it is often only with the benefit of hindsight that we can identify swelling and constricting rates of crime and tie them to correlating alterations in culture, the economy, or masculine and feminine status. Significant changes in the rates and patterns of violence, however, illustrate that while individuals might have committed crime due to an immediate motive, larger social and cultural forces that correlate with sizable upticks in violence may have acted as secondary motives.

Because detailed evidence of individual cases is sparse and because individual motives cannot account for sizeable increases in violence, I have chosen to rely on the rich body of secondary sources that historians have produced on Butte in order to provide a historical context within which violence rates can be read. While no single "cause" can be identified, the correlates to increases and decreases in violence rates discussed here seek to expand our analytical approach to reading violence, especially as it is perpetrated against women. In this way, this study, although it details the violence trends in a single area, contributes to the larger study of America's violent past.

⁵⁶ For an in-depth analysis of media narratives, see chapter six, and for a discussion of courtroom narratives, see chapter seven.

TOIL AND TROUBLE: VIOLENCE IN THE PREWAR
AND WORLD WAR I ERA, 1910-1918

On May 16, 1918, just under a year after a gang of unidentified men brutally murdered Frank Little, in another public display of violence, Martin Bray, a local copper miner, lay in wait at the busy intersection of Park and Montana streets in Butte. When he caught sight of his ex-wife Daisy and her escort Kay Showers, he stepped off the curb and opened fire. A gunshot to the heart killed Showers instantly, but Daisy lingered for nearly ten days before the bullet that severed her spinal cord took her life.⁵⁷ Bray, who turned the gun on himself, was rushed to the hospital, where doctors removed the bullet and skull debris from his brain.⁵⁸ On May 31, 1919, a jury sentenced Bray, now paralyzed, to life in prison at the state facility in Deer Lodge, Montana.⁵⁹

The collection and tabulation of Butte crime data reveals that between 1910 and 1918, swelling rates of overall violence corresponded with increasing labor tensions and came to a head in strike years, 1914 and 1917. In 1914, rates reached 316 per 100,000, and in 1917 rates were 301, dropping only slightly to 292 in 1918, the year of the Bray homicide.⁶⁰ While the majority of these crimes were male-on-male, male-on-female

⁵⁷ “Jealous Husband Kills Escort of Divorced Wife, Dangerously Wounds Her and Shoots Himself,” *Butte Miner*, May 17, 1918; “Mrs. Bray Loses Fight for Life,” *Butte Miner*, May 27, 1918; Butte-Silver Bow County, Montana, Death certificate no. 23658 (1918), Daisy Bray, Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana.

⁵⁸ “Jealous Husband Kills Escort,” *Butte Miner*, May 17, 1918.

⁵⁹ Bray, Martin, “Descriptive List of the Convict (1919),” Montana State Prison Records, 1869-1970, Montana Historical Society Research Center, *Montana Memory Project*, <http://mtmemory.org/cdm/compoundobject/collection/p103401coll11/id/11901/rec/2>.

⁶⁰ I have determined crime rates per 100,000 people, as criminologists, historians, and the FBI report data in this manner, allowing the rates included in this project to be used comparatively.

violence followed the same pattern. An even further breakdown of the data demonstrates that the majority of male-on-female crimes were wife assaults/homicides. In this context, Bray and Frank Little's vicious murders appear more related than not. Both occurred at a time when overall violence spiked across Butte. Failed strikes in 1914 and 1917, the death of comrades in the 1917 Speculator Mine fire, and income inequity, correlated with increases in both male-on-male and male-on-female violence. These correlates likely antagonized brutality between men, for whom fighting was central to their masculine ethic. The eruption of violence, however, did not stop at the streets. Butte men were much more likely to abuse their wives in 1914, 1917, and 1918 than at any other point during the decade. As working-class men more acutely felt the destabilization of their masculine hegemony, they more often turned to violence to reestablish or assert dominance.

As wartime copper demands increased, so too did the population of Butte. Hundreds of men and women poured into the city to find fortune in the "Richest Hill on Earth." The primarily single-male population was comprised mostly of native and foreign-born whites, who made their homes in many of Butte's ethnic neighborhoods, including Finntown, Dublin Gulch, and Corktown.⁶¹ The majority of these men found work underground. According to the 1920 census, 40 percent of Butte men toiled in the mines. Many of those men and women who did not work underground relied on the income of a miner or a mine related industry; as such, the lives of all Butte citizens were

⁶¹ Butte, Montana, 1910 U.S. Census, population schedule; Mary Murphy, *Mining Cultures: Men, Women, and Leisure in Butte, 1914-1941* (Chicago: University of Illinois Press, 1997), 10, 1, 12-14; Work Projects Administration, *Inventory of the County Archives of Montana*, Butte-Silver Bow Public Archives, Butte, Montana, 7, 11.

tioned to and defined by the industrial pulse of the mines and the whims of the Anaconda Copper Mining Company (ACM).⁶²

The interconnectedness of life above and below ground shaped the very character of Butte. Indeed the interwoven industrial and residential spaces linked the public and private lives of Butte's citizens to the mines. Even as construction boomed to keep up with the city's inflating population, immigrants and migrants to the city crammed into tight living spaces situated in and among the gallus frames that punctuated the mountainside.⁶³ Homes, businesses, and industries alike experienced the clamor of train cars, the whistles that signaled shift changes, and the reverberations of underground blasts.

Men and women likewise shared the ever-present risk of mining, both physical and economic. Laboring in one of the world's most hazardous industries, miners traveled as far as 3,800 feet into the ground. There, they faced extreme rock and water temperatures, fires, and floods. Dripping copper water left sores on miners' skin, and shifting ground, falling rock, and cave-ins crushed their bodies. Between 1914 and 1920, at least 559 men died in mine accidents and fires, and many more would die from the slow violence of rock dust and toxic fumes.⁶⁴ Butte miners' casual humor concerning death demonstrates the central role of risk in their everyday lives. Men, for example, named loose hanging rock, "Duggans," after one of the city's most prominent

⁶² Butte, Montana, 1920 U.S. Census, U.S. Department of Commerce; Murphy, *Mining Cultures*, 16, 19.

⁶³ Murphy, *Mining Cultures*, 12.

⁶⁴ *Ibid.*, 16, 18. Also see the Butte Coroner's Register, April 1894-1989, Butte-Silver Bow Archives, Butte, Montana.

undertakers.⁶⁵ Above ground women feared the tolling of nine bells, which signaled an accident far below the ground.⁶⁶ In 1910, 1,257 of the 12,000 women who lived in Butte were widows, many of whom learned of their spouse's death from the ominous tones.⁶⁷ As Frances Metisch, who was born in Butte in 1920, recalled, "every morning after daddy headed off to the mines, mamma would pack all us kids up and head over to church, where she would tell us to pray that daddy gets a top-job," mining work that was performed above ground. While Francis was too young to understand the importance of a top-job, the urgency in her Mother's tone was not lost on her: "I prayed so hard."⁶⁸

The boom and bust cycles, too, were written onto the city. Mining wealth brought lavish uptown buildings, upscale retail, fine dining, and plush hotels. The threat of busts, however, meant that the opulence of the city was interspersed with waste rock, plank sidewalks, dirt roads, and dilapidated houses.⁶⁹ The danger of unemployment left residents prepared to move on. Thus, while living quarters and the city's infrastructure fell into disrepair, Butte residents invested in cars, clothing, savings accounts, and other items that they could easily take with them.⁷⁰ The temporary security of even Butte's most prosperous years offered little comfort to many working-class families. Local

⁶⁵ Matthew L. Basso, *Meet Joe Copper: Masculinity and Race on Montana's World War II Home Front* (Chicago: The University of Chicago Press, 2013), 25.

⁶⁶ Janet L. Finn and Ellen Crain, "Butte's Women Warriors: Taking a Stand Against Poverty and Violence," in *Motherlode: Legacies of Women's Lives and Labors in Butte, Montana*, eds. Janet L. Finn and Ellen Crain (Livingston, MT: Clark City Press, 2005), 245.

⁶⁷ Butte, Montana, 1910 U.S. Census, population schedule.

⁶⁸ Conversation with Frances Metisch, July 18, 2014.

⁶⁹ Michael Punke, *Fire and Brimstone: The North Butte Mining Disaster of 1917* (New York: Hyperion, 2006), 87; Janet Finn, *Mining Childhood: Growing Up in Butte, Montana, 1900-1960* (Montana Historical Society Press, 2012), 22.

⁷⁰ Murphy, *Mining Cultures*, 225.

charities continued to raise money and collect goods for poor families, and the Paul Clark Home, which provided shelter for children whose parents were unable to care for them, housed over 253 children in its first year of operation.⁷¹

Considering the ways in which the lives of Butte's primarily male citizens were intimately connected to mines, it is no wonder that in the 1910s violence too was closely tied to mining masculinity and that labor tensions corresponded to increases in this violence. Data collected in Butte between 1910 and 1918, shows that men perpetrated the majority of violent crimes, most of which were male-on-male. In the 1910s, fighting seems to have been a central component of Butte men's masculine performance. Indeed, men fought for many reasons in this hardscrabble city, including money, jealousy, family, and for no reason at all. Regardless of the immediate motives for aggression, however, in 1914 and 1917 men more frequently exercised brutality. While some of the male-on-male force that occurred during strike years, including the lynching of Frank Little, was directly related to labor struggle or politically provoked, growing rates of all male-on-male aggression indicates that economic and labor tension likely exacerbated this type of violence. When it became more difficult to claim power through monetary means and when men felt more tightly choked by the copper collar, as in 1914 and 1917, they more frequently turned to violence.

Examining instances of violence between men in the 1910s suggests that fighting was not only a regular occurrence, but also a central component of Butte men's identity. In this period, rates of male-on-male assaults in Butte averaged 283 per 100,000, and the murder of men reached 46 per 100,000. Many of these fights occurred in public spaces

⁷¹ Finn, *Mining Childhood*, 114.

and often broke out with little or no warning. Records indicate that Joe Petrovich's Saloon, the Pine Tree Bar, the International Café, and the Butte Grill as well as of host of other saloons, brothels, and gambling dens in Butte's wide-open town, provided the arenas where men played out bouts of manhood.⁷² Because these fights frequently erupted spontaneously, the weapons men used were often makeshift and pulled from their immediate surroundings. Documents detail men's use of lengths of metal pipe, saloon spittoons, chairs, and beer bottles. In 1916, for example, John Basso "knocked [Robert] Haimila's eye out with a water glass."⁷³ The same year, Marcus Sodja hit Luke Dagar with a beer bottle at the East Butte Hotel.⁷⁴ Still other men reached for stove shakers, gas pipes, and furniture.⁷⁵ While some of these men may have had motives for violence, many fought for seemingly no reason at all. In 1915, for example, miners Otto Tulla and Nick Kumpula were drinking at the Klondike Saloon.⁷⁶ Kumpula, unprovoked, called out to Tulla, "buy a drink or fight." Before Tulla could respond, Kumpula drew a knife and stabbed him in the chest.⁷⁷

⁷² State of Montana v. Dan Kunga, *Records of Criminal Actions*, Justice Court, May 12, 1916, Vol. 9, pg. 49, Butte-Silver Bow Public Archives, Butte, Montana.

⁷³ State of Montana v. John Basso, *Records of Criminal Actions*, Justice Court, March 15, 1916, Vol. 8, pg. 475, Butte-Silver Bow Public Archives, Butte, Montana.

⁷⁴ State of Montana v. Marcus Sodja, *Records of Criminal Actions*, Justice Court, September 27, 1916, Vol. 9, pg. 221, Butte-Silver Bow Public Archives, Butte, Montana.

⁷⁵ See, for example, State of Montana v. Thomas Driscoll, *Records of Criminal Actions*, Justice Court, October 22, 1913, Vol. 6, pg. 195, Butte-Silver Bow Public Archives, Butte, Montana.

⁷⁶ R.L. Polk and Company Directory, Butte, Montana, Nick Kumpula, 1918; R.L. Polk and Company Directory, Butte, Montana, Otto Tulla, 1914; State of Montana v. Nick Kumpula, *Records of Criminal Actions*, Justice Court, June 11, 1915, Vol. 8, pg. 107, Butte-Silver Bow Public Archives, Butte, Montana.

⁷⁷ *Kumpula*.

Historians have extensively documented the role of male-on-male violence in working-class communities during the late nineteenth and early twentieth centuries. The public nature of much of the violence among men illustrates that often, as Pamela Haag argues, “male/male violence developed in . . . [the] spirit of celebration and economic control.”⁷⁸ This was in part true for male-on-male violence in Butte, where autonomy from the company was central to mining masculinity, and where the monetary risk of the extractive industry was central to lives of Butte men. Many Butte men looked to release the pressure of work and often times poverty and to exercise independence and economic control in the city’s places of amusement.⁷⁹ Participation in Butte’s nightlife fostered camaraderie and encouraged “treating” among working-class men as a way to demonstrate monetary masculinity.⁸⁰ That male-on-male brutality in Butte tended to occur spontaneously and in the wide-open city’s many saloons, dancehalls, and gambling establishments is significant, as these were the few spaces the ACM did not own or control.⁸¹ They were, therefore, at once spaces for men to engage in individual monetary and physical competitions and places where men’s very presence asserted their sovereignty from the company. Additionally, in Butte, where the elevated status of

⁷⁸ See Pamela Haag, “The ‘Ill-Use of a Wife’: Patterns of Working-Class Violence in Domestic and Public New York, 1860-1880” *Journal of Social History* 25, no. 3 (1992): 450; also see, Gunther Peck, “Manly Gambles: The Politics of Risk on the Comstock Lode, 1860-1880,” in *Across the Great Divide: Cultures of Manhood in the American West*, eds. Matthew Basso, Laura McCall, and Dee Garceau (New York: Routledge, 2001): 73-96.

⁷⁹ Murphy, *Mining Cultures*, 108. Mary Murphy, “Bootlegging Mothers and Drinking Daughters: Gender and Prohibition in Butte, Montana,” *American Quarterly* 46, no. 2 (1994): 179.

⁸⁰ See Haag, “The ‘Ill-Use of a Wife,’” 450; Peck, “Manly Gambles,” 73-96.

⁸¹ Murphy, *Mining Cultures*, 225.

mining masculinity also rested in the danger of the work, fighting among Butte men likely acted as an extension of the communal risk-taking they shared underground.⁸² Death and peril permeated the city of miners who hazarded to travel deep below the city into a web of mine shafts and tunnels. The very physicality of their bodies and the labor they performed, coupled with the dangers of the mining landscape, often expressed itself in violent encounters.

The oftentimes-explosive character of male-on-male violence in the 1910s is evident in cases like *State of Montana v. Charles Feroli and Jerome Popoting* (1918). On November 11, 1918, Germany formally surrendered, bringing the end of WWI in sight. Residents of Butte, many of whom were new immigrants with old allegiances had met U.S. involvement in WWI with mixed emotions.⁸³ As recently as June 5, 1917, draft registration day, Butte anti-war protesters distributed handbills encouraging men not to register and warning that the laborers were at the mercy of money and power.⁸⁴ When the city's miners threatened to strike due to unsafe conditions and unfair practices, the nation responded by calling them unpatriotic and unwilling to do their part for the war effort. One can imagine the level of excitement, relief, and joy the city felt at the news of the armistice. Peace celebrations swept Butte, and the male-on-male celebratory saloon culture quite literally spilled over onto the streets, in, and among the city's boarding houses, many of which were intermixed with sites of industry and entertainment. After drinking at the bars, several men returned to the rooming houses on East Division Street.

⁸² See Peck, "Manly Gambles," 73-96.

⁸³ Murphy, *Mining Cultures*, 23.

⁸⁴ Punke, *Fire and Brimstone*, 6.

Charles Feroli and Jerome Popoting were among the crowd who went to Michael and Louise Burger's boarding house. While many of the details of the event are difficult to discern as all of the parties and witnesses involved admitted to drinking to excess, what is clear is that the revelry at Burger's rooming house came to abrupt halt. Witnesses agreed that fighting seemed to erupt all at once. Beer bottles flew through the air. Someone threw a bucket of coal through a front window. Mrs. Kobi called Louise Burger a "dirty whore" and hit her in the face with a rock. Some of the men tried to break them apart, which angered Popoting, who wanted to see a fight. Michael Burger yelled for everyone to get out.⁸⁵ The last thing Popoting remembered was blood running down face; he thought he had lost an eye. What witnesses recalled, however, was the fearful moment when Feroli and Popoting dragged Dominick Meloutz onto the street and nearly beat him to death with a bayonet and a pair of brass knuckles.⁸⁶

Following the incident, the county attorney filed first-degree assault charges against Feroli and Popoting and charged Meloutz with disturbing the peace. A close reading of the trial transcript reveals men's acceptance of male-on-male brutality as a normalized part of masculine performance. All witnesses to and participants in the fight agreed that they had had no previous quarrel with one another and many of them had even known each other well. Aside from working together in the mines, Popoting and Burger had roomed together at "Mrs. Kobi's place" before Burger married and moved

⁸⁵ State of Montana v. Charles Feroli and Jerome Popoting, November 11, 1918, District Court Second Judicial District, County of Silver Bow, Butte-Silver Bow Public Archives, Butte, Montana, 22, 11, 22.

⁸⁶ *Feroli and Popoting*, 22.

out.⁸⁷ Even after they ceased to live together, the two remained good friends, and Popoting and Kolbi were frequent guests of the Burgers. Likewise, Popoting, Feroli, and Meloutz admitted that they knew each other and had never had an occasion to quarrel. Popoting even testified that he “had no intention to fight” that night, but as he got ready for the evening, he spotted a pair of brass knuckles Burger had left behind in their room and tossed them into his pocket.⁸⁸ None the witnesses or Popoting or Feroli attempted to supply a motive or justification for the attack. Meloutz matter-of-factly recalled the events of the fight, but offered little more than who hit him with what. In fact, it is unclear if he filed the charges for himself or if the prosecution compelled him to appear. It seems possible that Meloutz and the other men involved would have preferred to settle the dispute without state intervention. The widespread acceptance that brawls like this one were frequent occurrences in Butte and sometimes turned deadly without cause is also evident in the outcome of the case. Initially charged with first-degree assault, both men plead guilty to assault in the third-degree, and a jury sentenced them to a mere five months in the Silver Bow county jail.⁸⁹

Male-on-male violence in Butte was not always without cause, however. In a space where violence was a reality of life and a performance of manhood, fighting in Butte often served as a means of conflict resolution when disputes over money or provoked by jealousy arose. In June 1915, for example, Tupus Sunko assaulted John Norden “with a beer glass” while he was dancing with a young woman at the Mountain

⁸⁷ Ibid., 21, 22, 23, 24.

⁸⁸ Ibid., 21.

⁸⁹ Ibid., verdict slips.

View House.⁹⁰ Masculine battles over women also often occurred when husbands discovered their wives with other men. In 1916, Fred Jakes returned to his home on Ruby Street after his shift at a local mine and discovered his wife in bed with George High. Jakes viciously attacked High, who ran, “bare-footed to Penn Mine,” where he was likely employed, to seek safety.⁹¹ Similarly, in 1915, Frank Astigoui assaulted Vincent Damico with a razor after he heard that Damico had been “intimate with his wife.”⁹² Interestingly, the court found Jakes not guilty and dismissed Astigoui’s case, validating the shared belief that a mark of honorable masculinity included the violent protection of home and family and that in such cases conflict resolution outside the confines of law and without state interference was justifiable.⁹³

Even male-on-male family disputes illustrate the widespread male practice of conflict resolution through violence. In 1913, Thomas Driscoll struck his brother-in-law, Richard Felavin “on [the] head with a stove shaker, because of argument with his wife Felavin’s sister.”⁹⁴ Likewise, William Turdle assaulted his brother-in-law, Albert Pierce, over the distribution of benefits in the insurance policy of Dick Turdle, who died in the

⁹⁰ State of Montana v. Tupus Sunko, *Records of Criminal Actions*, Justice Court, June 25, 1915, Vol. 8, pg. 130, Butte-Silver Bow Public Archives, Butte, Montana.

⁹¹ State of Montana v. Fred Jakes, *Records of Criminal Actions*, Justice Court, April 10, 1916, Vol. 9, pg. 4, Butte-Silver Bow Public Archives, Butte, Montana.

⁹² State of Montana v. Frank Astigoui, *Records of Criminal Actions*, Justice Court, October 13, 1915, Vol. 8, pg. 320, Butte-Silver Bow Public Archives, Butte, Montana.

⁹³ *Jakes; Astigoui*. For a discussion of the history of husband’s right to kill, see Hendrik Hartog, *Man and Wife in America: A History* (Cambridge: Harvard University Press, 2000), 218-241.

⁹⁴ State of Montana v. Thomas Driscoll, *Records of Criminal Actions*, Justice Court, October 22, 1913, Vol. 6, pg. 194, Butte-Silver Bow Public Archives, Butte, Montana.

Granite Mountain mine in 1915.⁹⁵ Violence as conflict resolution often occurred spontaneously. As scholar J. Carter Wood argues, “In the absence of economic power (and therefore legal power) violence was a resource over which working people had direct control and built on customary traditions of self-help in settling their own disputes.”⁹⁶ Like the exercise of violence in public spaces, fighting as conflict resolution provided autonomy to Butte men.

While men exercised brutality during the 1910s for a myriad of individual reasons, labor and economic tensions likely played a role in heightening brutality in 1914 and 1917. Specifically, male-on-male violence (assaults and homicides) increased from 348 per 100,000 in 1913 to 413 in 1914. Similarly, these rates climbed from 285 per 100,000 in 1916 to 397 in 1917. Some of the male-on-male violence during these years was directly linked to labor tension and economic instability. However, even where individuals did not necessarily identify these factors as motivations for physical aggression, men’s use of force was much more frequent during these years.

Butte, between 1914 and 1918 can be described at best as tumultuous. As wartime copper demands increased, so too did the work of mining men, who extracted over 352 million pounds of copper worth \$96 million in 1916. At peak production, the mines ran twenty-four hours a day. Men worked in shifts and slept in shifts, one rolling into to bed

⁹⁵ State of Montana v. William Turdle, *Records of Criminal Actions*, Justice Court, November 15, 1915, Vol. 8, pg. 354, Butte-Silver Bow Public Archives, Butte, Montana.

⁹⁶ J. Carter Wood, “Self-Policing and the Policing of the Self: Violence, Protection and the Civilizing Bargain in Britain,” *Crime, Histoire & Societes* 7, no. 1 (2003): 115.

as another headed out to the mine. The “speed-up” practices initiated in the mines to get “the rock in the box” created unsafe conditions above and below ground.⁹⁷

Despite increased production and prosperity, Butte miners and Butte families struggled to make ends meet. Although miners’ wages increased in both 1914 and 1917, rising housing costs, inflation, and business profiteering kept working-class families from rising above minimum standards of living.⁹⁸ Miners’ frustration over rising costs of living and unfair and unsafe mining practices ignited first in 1914, and fumed again in 1917 following the Speculator Mine Disaster in June 1917, in which fire and poisonous gases killed 168 men, in the deadliest hard rock mining disaster in U.S. history. The disaster temporarily reunified laborers who went on strike.⁹⁹ Despite an immediate show of support, however, the 1917 strike, like the 1914 strike was over in a matter of months and neither strike resulted in real gains for miners.

As union power waned and labor factionalism grew more tense, dealings between labor and management became increasingly violent. To be sure, some of the violence was directly related to the labor struggle and not unlike the conflict resolution that was exercised among men throughout the 1910s. Indeed, many of Butte’s more radical citizens believed that collective violence in the streets was necessary to enact change.¹⁰⁰ On June 13, 1914, during the Butte Miners Union parade, tension between labor and company factions resulted in a riot. Ten days later, the Miners Union hall was

⁹⁷ Murphy, *Mining Cultures*, 23-24.

⁹⁸ Ibid., 26, 27; Arnon Gutfeld, “The Speculator Disaster in 1917: Labor Resurgence at Butte, Montana,” *Arizona and the West* 11, no. 1 (1969): 33, 34.

⁹⁹ See Punke, *Fire and Brimstone*.

¹⁰⁰ Basso, *Meet Joe Copper*, 43.

dynamited.¹⁰¹ The collective violence of June 1914 resulted in the deaths of two men and the injury of many others.¹⁰² The rioting precipitated Governor Sam Stewart's decision to call in the National Guard and have union leaders arrested. The National Guard would stomp out union activity six times between 1914 and 1921.¹⁰³

However, as Butte case files indicate, the vast majority of violence directly related to labor was interpersonal rather than collective. In September 1914, for example, Dan Reardon, walking home from work with his dinner pail in hand, encountered Mike Connolly. Connolly, accused Reardon of being a scab, "threw a club" at him, and started a fight that resulted in Connolly facing third-degree assault charges.¹⁰⁴ Violence between strikers and scabs was not one-sided, however. On October 29, 1917, Nic Takala and Ascel Andeline were chopping wood in a yard on East Granite when Antti Kontinen entered and accused Andeline of being a scab. Andeline responded violently, beating Kontinen in the face until he died. In explaining his actions, Andeline testified that, "it hurt his feelings to be called a scab."¹⁰⁵

While many of these acts of brutality went without much notice, some garnered local and national attention. On July 5, 1914, thirty-six-year-old Finnish miner, Eric

¹⁰¹ Gutfeld, "The Speculator Disaster in 1917," 30-31.

¹⁰² Janet Ore, "Labor and the New Deal in Butte, Montana: The International Union of Mine, Mill, and Smelter Workers' Strike of 1934" (master's thesis, Washington State University, 1987), Vertical File AW 0006, Butte-Silver Bow Public Archives, Butte, Montana, 8.

¹⁰³ *Ibid.*, 8, 9; Finn, *Mining Childhood*, 34.

¹⁰⁴ *State of Montana v. Mike Connolly, Record of Criminal Actions*, Justice Court, September 17, 1914, Vol 10, pg. 472, Butte-Silver Bow Public Archives, Butte, Montana.

¹⁰⁵ Butte-Silver Bow County, Montana. Death certificate no. 22248 (1917), Ascel Andeline; Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana. Ascel Andeline, Coroner's Register, no. 133, May 1917 – August 1918, Butte-Silver Bow Public Archives, Butte, Montana.

Lantala made his way into Mayor Lewis J. Duncan's office in the city building, where he stabbed Duncan three times.¹⁰⁶ Duncan reached for his revolver and shot Lantala, who died instantly. Duncan recovered from his wounds, and a coroner's jury exonerated him from all blame, declaring the shooting to be in self-defense.¹⁰⁷ The killing received national press, prompting the Western Federation of Miners to set a new plan in action. In order to end the strike and prevent further acts of violence, they promised to give radical miners who had seceded from the Butte Miners' Union a period of time to return to work. Once this time expired, the federation would send in miners from other parts of the West to work the hill in Butte.¹⁰⁸

Even when perpetrators did not report labor unrest as the immediate motive for interpersonal violence, data collected in Butte shows that the strikes of 1914 and 1917 exacerbated the carnivalesque nature of male-on-male violence. In fact, intensified commotion during the strike years may have even provoked violence among men who in other situations may not have responded violently. In 1914, Peter Felvad, for example, resorted to viciously beating Alex Tharm in the face after Tharm fired him.¹⁰⁹ The fear of losing one's job, a central feature of masculine identity, especially as labor tensions and employment opportunities worsened in strike years, at times, provoked violent responses.

¹⁰⁶ Butte-Silver Bow County, Montana, Death certificate no. 18612 (1914), Eric Lantala, Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana; "Lewis J. Duncan, Butte's Socialist Mayor," *Montana Standard*, October 12, 2014.

¹⁰⁷ Coroner's Register, Eric Lantala, number 284, March 1913 – August 1914, Butte – Silver Bow Public Archives.

¹⁰⁸ "Mayor Will Be Exonerated for Killing Butte Miner," *Daily Journal* (Telluride, Colorado), July 8, 1914.

¹⁰⁹ State of Montana v. Peter Felvad, *Records of Criminal Actions*, Justice Court, April 11, 1914, Vol. 6, pg. 420, Butte-Silver Bow Public Archives, Butte, Montana.

As sociologists have observed, economically disenfranchised men, who are unable to exert their power through material means, are forced to rely on other forms of masculine performance to establish and maintain power.¹¹⁰ In Butte, where violence was a ritualized aspect of working-class life, men, frustrated during strike years as the ACM unequivocally smashed union power and the hope of real gains for labor further deteriorated, increasingly attempted to seek power and autonomy through violence against other men.

Although men were the ones who physically worked in the mines, the lives of Butte's women were also tied to the mines, as most women relied on the income of a miner or on the income earned in an industry that supported mining.¹¹¹ The tumult of the 1910s, therefore, also affected their lives. In sharp contrast to the very visible male-on-male violence, most violent crimes against women in the 1910s, excepting Bray's murder and Fosnacht's assault, took place far from public view. While all violence against women increased, wife assault was consistently the most common form of violence against women in the early twentieth century. Rising rates of wife assault from 1914 through 1918 illustrate that men more frequently translated violence into the home during these years, and similarly to male-on-male violence, Butte's wide-open culture and the control of labor were often factors. Significantly, the rates of female perpetrated crime also swelled during these years.

¹¹⁰ Kristen L. Anderson, "Gender, Status, and Domestic Violence: An Integration of Feminist and Family Violence Approaches," *Journal of Marriage and Family* 59, no. 3 (1997): 667.

¹¹¹ Murphy, *Mining Cultures*, 19.

Case files for Butte demonstrate that individual reasons for wife assault varied. Oftentimes the abuse of wives, like the abuse of men, was related to Butte's freewheeling culture and alcohol was often a factor.¹¹² In fact, during this period more men and women died of alcohol related causes than during any other period between 1910 and 1950.¹¹³ As women's rights advocates in the late nineteenth and early twentieth century had feared, alcohol affected instances of wife assaults. Annie McLaughlin filed several assault charges against her husband, James between 1914 and 1917. On at least one occasion, the court cited drunkenness as the cause of the abuse.¹¹⁴ Similarly, a Mrs. Verzuk filed third-degree assault charges against her husband, Frank. The notes of the case explained that a "gross wife beating by drunken husband" had taken place.¹¹⁵

Additionally, case files indicate that disputes over what men expected as their due were also often factors in instances of wife assault. In the 1910s, men repeatedly reported abusing wives for failing to perform domestic tasks. In 1914, Joe Percy, for example, "Kicked his wife and threatened to kill her because she did not [have] supper ready for him when he came home from work."¹¹⁶ In 1916, William Hill "Struck and beat her [his wife Ida Hill] because she refused him her presence."¹¹⁷ Men, however, did not need to

¹¹² Murphy, "Bootlegging Mothers and Drinking Daughters," 178-179.

¹¹³ Standard Certificates of Death, State of Montana, Butte-Silver Bow County, Montana, 1910-1950. Death Certificates no. 16805 - 53585, Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana.

¹¹⁴ State of Montana v. James McLaughlin, *Records of Criminal Actions*, Justice Court, February 17, 1914, Vol. 6, pg. 392, Butte-Silver Bow Public Archives, Butte, Montana.

¹¹⁵ State of Montana v. Frank Verzuk, *Records of Criminal Actions*, Justice Court, July 13, 1915, Vol. 8, pg. 181, Butte-Silver Bow Public Archives, Butte, Montana.

¹¹⁶ State of Montana v. Joe Percy, *Records of Criminal Actions*, Justice Court, June 17, 1914, Vol. 7, pg. 249, Butte-Silver Bow Public Archives, Butte, Montana.

¹¹⁷ State of Montana v William Hill, *Records of Criminal Actions*, Justice Court, December 22, 1916, Vol. 9, pg. 366, Butte-Silver Bow Public Archives, Butte, Montana.

justify abuse, as wife assault was firmly rooted in masculine privilege. Even the language of court records reflected beliefs in men's license to abuse their wives. The remarks on the third-degree assault complaint against James Newhouse explained that he "Constantly exercises the privilege of lambasting his wife. She has got tired of it."¹¹⁸ Likewise, William Thomas, who pled guilty to assault in the third-degree, was recorded as "showed[ing] his affection for his better half by beating her brains out."¹¹⁹

Again, although immediate motives may have varied from crime to crime, the turmoil of strike years corresponds with an increase in the frequency of violence against wives. In 1914, wife assault swelled to 73 per 100,000, and in 1917 it boomed to 98 per 100,000. The simultaneous spikes in rates of violence against women and men in 1914 and 1917 demonstrate that the abusive culture of the 1910s intensified in strike years, when men became more violent both on the streets and in the home. When Butte men struggled to maintain authority or autonomy outside of the home, they may have sought to aggressively wield more firm power within the home. Perhaps they more acutely interpreted their wives' nonperformance of domestic tasks as an affront to that authority, making them more likely to turn to violence to maintain rigid domestic gender hierarchies.¹²⁰

Butte men's mounting violence within the home is also evident in the sharp increase of domestic homicides in 1917. Although the average rate for the decade, 4 per

See Haag, "The 'Ill-Use of a Wife,'" 462. Here she offers a similar argument about male aggression in nineteenth-century New York.

¹¹⁸ State of Montana v. James Newhouse, *Record of Criminal Actions*, Justice Court, October 13, 1916, Vol. 9, pg. 366, Butte-Silver Bow Public Archives, Butte, Montana.

¹¹⁹ State of Montana v. William Thomas, *Records of Criminal Actions*, Justice Court, December 12, 1916, Vol. 9, pg. 366, Butte-Silver Bow Public Archives, Butte, Montana.

¹²⁰ See Anderson, "Gender, Status, and Domestic Violence."

100,000, was the lowest of the study period, in 1917, domestic homicides of women spiked to 10 per 100,000. While this rate seems relatively small, criminologists in the twenty-first century consider 9 per 100,000 a high rate of homicide.¹²¹ Some men who murdered their wives showed patterns of escalating violence, which more often turned lethal in 1914 and 1917. John Forbes, for example, had a history of abusing his wife, Annie. In one altercation, John “beat up Annie and assaulted her with razor.” The county attorney dismissed this and earlier abuse complaints, but on May 5, 1917, John shot Annie in the head before turning the gun on himself.¹²²

Still other wife homicides, including the murder of Daisy Bray, suggest a strong correlation between the structural violence of the 1910s and upticks in violence against wives. A Butte miner, 36 year-old Martin Bray married 37 year-old Daisy Allen on June 3, 1913.¹²³ It was at least the second marriage for both, and Daisy brought three children from a previous marriage. The family of five seemed to live happily together for a time. Martin’s friends and colleagues, who described him as hardworking and “big-hearted,” generally liked and respected him.¹²⁴

In 1916, while working at the Speculator Mine, Bray, like many men endangered by speed-up practices and deteriorating safety conditions, sustained a head injury. He was subsequently removed from his position as shift boss and put in charge of the copper

¹²¹ Roth, Maltz, and Eckberg, “Homicide Rates in the Old West,” 179.

¹²² State of Montana v. John Forbes, *Record of Criminal Actions*, Justice Court, March 26, 1917, Vol. 10, pg. 49; Standard Certificate of Death, State of Montana, May 5, 1917, Registered no. 367, State File no. 21925. Standard Certificate of Death, State of Montana, May 5, 1917, Registered no. 366, State File no. 21924, Death Certificates 21819 – 22047, Butte-Silver Bow Public Archives, Butte, Montana.

¹²³ Silver Bow County, Montana, Marriage certificate no. 5080 (1913), Martin Bray and Daisy Allen, Montana Division of Vital Statistics.

¹²⁴ “Jealous Husband Kills Escort,” *Butte Miner*, May 17, 1918.

tanks. When the Speculator fire broke out, Bray likely grieved the loss of friends and co-workers and probably joined his colleagues at Finlander Hall on June 12, 1917, where a mass meeting of miners formed the new Metal Mine Workers Union and drafted a list of demands, precipitating a citywide strike.¹²⁵ During this time, friends and co-workers noticed a shift in Bray's behavior. He had grown increasingly "jealous of his wife" and had more frequently expressed anxiety about Daisy's fidelity, so much so that it had even begun to affect his work. Bray's tendency for violence, like his anxiety, steadily escalated. In 1917 and 1918, Bray filed a formal complaint against another local man whom he accused of "paying attentions to his wife," and on another occasion he threatened a streetcar driver, claiming that the man was at fault for his "family troubles." In a third incident, Bray followed his wife and watched her through the keyhole of a door. Just two months before the shooting, he confronted Kay Showers at the Council Saloon in Butte and a fight broke out between the two men. In December 1917, the Brays divorced. Two weeks before her death, Daisy sold the family home. Although he had recently found work at the Emma mine, Bray, who suffered from increasingly volatile economic conditions, was living at the poor farm.¹²⁶ Finally, on May 16, 1918, he drew a gun on the bustling streets of Butte, killing Showers and Daisy.¹²⁷ While we cannot know for certain what Bray's self-identified motive for lethal violence was, mining the particulars of his crime and reading it in conjunction with the increasing rates of violence, indicates a strong parallel between the tumultuousness of strike years and men's tendency

¹²⁵ Ibid.; Punke, *Fire and Brimstone*, 170.

¹²⁶ "Jealous Husband Kills Escort," *Butte Miner*, May 17, 1918; *U.S. World War I Draft Registration Cards*, Martin Bray, Silver Bow County Montana, roll 1711443.

¹²⁷ "Jealous Husband Kills Escort," *Butte Miner*, May 17, 1918.

to engage in violence or to escalate to lethal violence. In fact, Bray's strained economic situation and the severe head injury he sustained in the mines may have played a role in his exertion of violence.

Butte men's increased and sometimes deadly attempts to reassert their authority in the home in 1914 and 1917 corresponded with moments when their power and autonomy outside of the home was challenged. Thus, where men responded violently to increasingly oppressive labor hierarchies during strikes, the data shows that they more frequently abused wives perhaps as a way to maintain power differentials in the home. While it is difficult to read the above cases as *real* grievances, the marriage contract and social practices granted men rights to their wives' labor, and violence was one way to reinforce control of that labor.¹²⁸ Individual men may have also understood violence as a means of conflict resolution and utilized it in the home similarly to the way they deployed it on the streets. As with male-on-male violence, resolving issues through violence offered autonomy from state intervention, either because individuals could not successfully access it or because they refused it.¹²⁹ The home, in particular, was a space that men imagined as impervious to state interference. Additionally, in many ways, men, like Martin Bray, were victims of structural violence. This is not to say that only when we make a gentler world for men will women be safe. Rather it is to show the insidious nature of violence, which can become embedded in and a normalized part of cultural practice and performance. Men, after all, were not the only ones who turned to violence during these uproarious times.

¹²⁸ Haag, "The 'Ill-Use of a Wife,'" 462.

¹²⁹ Wood, "Self-Policing and the Policing of Self," 115.

In the 1910s, women responded in turn to escalating violence in the home and on the streets. For example, Butte crime data illustrates that women met increased domestic dangers, both assault and homicide, with increased lethal resistance. In the 1910s, the average decade rate at which women killed their husbands was 3 per 100,000, the second highest rate of my study period. Like many other forms of violence, the murder of husbands rose in 1914 and peaked in 1917. In August of 1916, Josephine Puhek fired two shots with a .32 into the body of her husband, George, a local miner. Without hesitation the Coroner's jury declared her actions to be in self-defense and "exonerated [her] from all blame."¹³⁰ Similarly, in April 1917, Laura Dansereau, whom the coroner's jury reported was "in fear for her life," shot and killed her husband, Arthur, an express man. Again, the jury found the homicide justified, provoked by repeated beatings.¹³¹ Facing increasing violence and without a law specifically addressing domestic violence or resources at their disposal, women more often turned to lethal violence in the 1910s and 1920s than in any other period between 1910 and 1950.

Despite minimal upticks in domestic homicides against husbands, however, Butte women were much more likely to aggressively confront other women. During this period, women regularly engaged in fighting within their neighborhoods, as the rate of female-on-female violence was at its highest in this decade and peaked at 45 per 100,000 in

¹³⁰ Butte-Silver Bow County, Montana, Death certificate no. 21198 (1916), George Puhek; Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana; George Puhek, Coroner's Register, no. 86 and 146, May 1916 – May 1917, Butte-Silver Bow Public Archives, Butte, Montana.

¹³¹ Butte-Silver Bow County, Montana. Death certificate no. 21835 (1918), Arthur Dansereau; Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana; Arthur Dansereau, Coroner's Register, no. 300, May 1916-1918, Butte-Silver Bow Public Archives, Butte, Montana.

1917. The city's women like its men engaged in violence for various reasons. Mrs. Rose Smith, for example, filed third-degree assault charges against Stella Chedister and Ester Sitting after a fight broke out between the three following a "neighborhood quarrell [sic] over children."¹³² Annie Kramer claimed that Kate Page assaulted her daughter, Ellen, because she was jealous.¹³³ Women in the red-light district, which ostensibly closed in 1917, fought over clients, out of spite, and sometimes as part of saloon brawls.¹³⁴

While women deployed violence for individual reasons, the spikes in female-on-female violence during strike years, especially 1917 when it reached its all time high, suggest that the turmoil of labor struggle also aggravated motivations for violence between and among women. Rising housing costs, price gouging by local markets, coal shortages, and depleted family incomes during strikes influenced women as well as men and likewise affected their violent behaviors. Despite belt tightening and even after miners received small raises, families still struggled to make ends meet. Local businesses and boardinghouses were quick to increase prices.¹³⁵ Women's economic opportunities in Butte, like those of women across much of the nation, were limited to running boarding houses, taking in laundry, baking bread, working as domestic servants, teachers, and dressmakers.¹³⁶ Even when women did contribute to family budgets, many Butte families

¹³² State of Montana v. Stella Chedister and Ester Sitting, *Records of Criminal Actions*, Justice Court, September 13, 1913, Vol. 6, pg. 129, Butte-Silver Bow Public Archives, Butte, Montana.

¹³³ State of Montana v. Mrs. Kate Page, *Records of Criminal Actions*, Justice Court, March 10, 1914, Vol. 6, pg. 434, Butte-Silver Bow Public Archives, Butte, Montana.

¹³⁴ Murphy, *Mining Cultures*, 77; Mary Murphy, "The Private Lives of Public Women: Prostitution in Butte, Montana, 1878-1917," in *The Women's West*, eds. Susan Armitage and Elizabeth Jameson (Norman: University of Oklahoma Press, 1987), 198.

¹³⁵ Murphy, *Mining Cultures*, 26, 27.

¹³⁶ *Ibid.*, 20.

remained in a subpar standard of living. Reports on the living conditions of Butte mining families during these years documented the grumbling bellies and tattered clothes of the city's children, further illustrating the difficulties of scrimping families.¹³⁷ In the toughest years, women and children stole coal and wood from the city's industrial sites so that they could save money for food. They carried pails to the mines and begged miners for their lunch scraps to feed their livestock.¹³⁸ One can imagine that the competition for scarce resources likely led to altercations between women who sought to keep their families fed.

While increases in female-on-female assault were related to economic downturns and resource scarcity, women, like men, also likely engaged in violence when their autonomy was destabilized. Women's rising propensity for fighting in 1914 and 1917 was perhaps a response to the ways in which increasing male violence altered their position within the home. In fact, Butte violence statistics show that women more frequently behaved aggressively when violence against their bodies increased. A lack of economic opportunities and social services made it difficult for women to leave, perhaps prompting women to turn to violence against abusive husbands and other women, which may have been their own attempt to seek authority in their realm of influence – their neighborhoods. In the early twentieth century, violence was often a tool of dominance, which men and women engaged more frequently when monetary and legal powers were absent.¹³⁹

¹³⁷ Finn, *Mining Childhood*, 22.

¹³⁸ *Ibid.*, 125; Murphy, *Mining Cultures*, 26-27.

¹³⁹ Wood, "Self-Policing and the Policing of the Self," 115.

In a rowdy city men and women were regularly the victims and survivors of shootings, stabbings, and severe assaults. While rates of violence against men remained higher than violence against women in the prewar and WWI era, the abuses followed the same pattern, spiking during major strike years. The violence trends in the early twentieth century demonstrate the potential power of socio-economic and cultural forces in shaping abusive moments. In the 1910s, violence was a practice of mining masculinity and exacerbated during strike years, likely because economic uncertainty and challenges to working-class autonomy heightened in these moments. Indeed, as men found their positions in social hierarchies and their economic standing threatened, they increasingly turned to violence both in the home and on the streets. Women also responded to labor and economic tumult with violence, engaging in the highest instances of female-on-female violence in 1917 when increasingly aggressive husbands strangled their autonomy within the home. As social, economic, and cultural shifts persisted in the following decades, Butte would become an even more dangerous place for women, as male-on-male violence subsided and men more frequently targeted female bodies on the streets and in the home.

A SOBERED CITY?: VIOLENCE IN THE INTERWAR YEARS, 1919-1939

On Christmas evening, 1935, Butte police officers made their way through the city, scouring several suspected hideaways of Henry Knight, a former Butte restaurateur. Earlier that afternoon, Knight fatally shoot officer Tom O’Neil and Francis Walsh, assistant manager of the Harrison Street Safeway store. He also seriously injured police officer James E. Mooney and civilian Florence Benevue.¹⁴⁰ Over the next two days, police posses from Idaho and Montana jointly worked the manhunt for Knight. They constructed roadblocks and checkpoints throughout the states, hoping to end Knight’s “murderous spree.”¹⁴¹ O’Neil, Walsh and the others, however, were not Knight’s intended target.¹⁴²

On the afternoon of December 25, Jean Miller took a moment to lie down before Christmas dinner was ready. That morning she had ended her romantic relationship with Knight. He was abusive, and he recently admitted to her that he had killed a police officer while the two of them were vacationing in Washington that November. The officer had discovered him stealing chickens from a small farm south of Seattle. Knight, fearing arrest, shot and killed him on the spot. That morning, as Miller returned the slippers, coat, jacket, and hat that Knight had given her for Christmas, he again flew into an abusive rage. He grabbed her by throat and nearly choked her to death. Miller managed to

¹⁴⁰ “Gunman Kills Butte Officer,” *Montana Standard*, December 25, 1935; “Policeman’s Wounds Will Not be Fatal,” *Montana Standard*, December 27, 1935; “Posses From Two States Trail Double Murderer Near Yellowstone Park,” *Montana Standard*, December 27, 1935.

¹⁴¹ “Posses From Two States Trail Double Murderer Near Yellowstone Park,” *Montana Standard*, December 27, 1935.

¹⁴² “Gunman Kills Butte Officer,” *Montana Standard*, December 25, 1935.

struggle free and sought refuge with her sister, Florence Benevue. The sisters spent the early afternoon preparing their holiday meal before Miller excused herself and headed to her sister's bedroom for a moment of quiet. As Benevue put the final touches on dinner, Knight pounded on the apartment door.¹⁴³ Afraid that Miller would reveal his secret if they were no longer together, he demanded to see her. "She does not want to see you," Benevue insisted. Nevertheless, Knight, pushing past her, forced his way in. Revealing the gun in his hand, he again demanded to see Miller: "I've got three bullets here and one for myself." Overhearing the argument, Miller ran into the neighbor's apartment, where Betty Clifford, her daughter Ruth Walsh, and her son-in-law Francis Walsh were sitting down to dinner.¹⁴⁴

Clifford went to Benevue's apartment, and the two women attempted to reason with Knight. Walsh ran out of the building and to the nearby Scandia Hall to phone the police. As the argument in the apartment building fumed, Benevue grabbed for the gun, which went off, firing a shot that grazed her neck and just narrowly missed her jugular.¹⁴⁵ When officers O'Neil and Mooney arrived on the scene, Walsh escorted them to arrest Knight. The officers, not expecting much trouble left their guns holstered, but when the three men entered Benevue's apartment, Knight opened fire. O'Neil was shot in the head and died instantly.¹⁴⁶ Knight shot Mooney three times. Two bullets pierced each of his

¹⁴³ "Knight was Determined to Kill to Avoid Arrest, Woman Associate Says," *Montana Standard*, December 27, 1935.

¹⁴⁴ "Gunman Kills Butte Officer," *Montana Standard*, December 25, 1935; Butte-Silver Bow County, Montana, Death certificate no. 41445 (1935), Francis Walsh, Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana.

¹⁴⁵ "Gunman Kills Butte Officer," *Montana Standard*, December 25, 1935.

¹⁴⁶ "Posses From Two States Trail Double Murderer Near Yellowstone Park," *Montana Standard*, December 27, 1935.

upper arms and a third struck him the neck.¹⁴⁷ A bullet ripped through Francis Walsh's face, shattering his jaw and lodging in the back of his neck. In the commotion, Ruth Walsh fled to her car, which was parked in front of the house. Knight, covered in blood, emerged from the building and ordered her to drive. She narrowly escaped becoming a hostage, explaining to Knight that she did not know how.¹⁴⁸ Bill Lavelle was less fortunate. Driving by the building, he slowed when he noticed Mooney stumble from the front steps. At that moment, Knight jumped into his backseat and held his gun firmly to his back. He ordered Lavelle to head toward the corner of Kaw and Cobban Streets, where Knight kicked him out before fleeing in his car.¹⁴⁹

After the authorities questioned them, Miller, Benevue, and their sister Chick Dorris, begged for police protection. "I know he didn't leave this town," Miller cried, "he threatened to kill me and my sister, and he's in it so deep now, with all that bloodshed, that what he is most likely to do is to come back tonight and shoot us and then shoot himself." The police, however, did not provide protection for the women. Rather they gave them permission to secure guns, so that they could defend themselves and recommended that the women not return to Benevue's apartment.¹⁵⁰ After two days of searching and the death of a third man in Hutchins, Montana, police captured Knight at a house on South Oklahoma Street in Butte.¹⁵¹ It was there that Knight held James T. Gilligan, one of his former employees, and his family hostage. After keeping the

¹⁴⁷ "Policeman's Wounds Will Not be Fatal," *Montana Standard*, December 27, 1935.

¹⁴⁸ "Victim Drove After Tragedy," *Montana Standard*, December 27, 1935.

¹⁴⁹ "Gunman Kills Butte Officer," *Montana Standard*, December 25, 1935.

¹⁵⁰ *Ibid.*

¹⁵¹ "Jean Miller, Main Figure in Christmas Tragedy, Is Arrested on Return Here," *Montana Standard*, May 22, 1936.

Gilligans captive for a day, Knight, suffering from an illness, allowed the family to leave in hopes that they might be able to bring medicine back to him. The family notified the authorities, who swarmed the Gilligan home, bombing it with teargas. Unwilling to surrender, Knight, who newspapers named “the Dillinger of the West,” tried to shoot his way out. “The bloody career of William Henry Knight” ended when the Assistant Chief of Police shot Knight in the face on December 27, 1935.¹⁵² While the police and local press focused on the three men who fell victim to Knight’s murderous rampage, which local newspapers called “The Christmas Day Tragedy,” the abuse Jean Miller endured went largely unnoticed.

In the interwar years, Butte appeared to be a sobered city. Overall violent crime rates, after all, had decreased, and the very public male-on-male violence that had marked the 1910s plummeted. However, violence against women surged, and similar to Miller’s case, this significant uptick went largely unobserved. The data collected for the interwar years (1919-1939) reveals a significant shift in the targets of male physical aggression. In sharp contrast to the 1910s, male-on-male and male-on-female violence ceased to follow the same pattern. In fact, as crimes against men declined, the abuse of women swelled (figure 5).

¹⁵² “Bullet Stops Bloody Career of Murderer William Harry Knight,” *Big Timber Pioneer* (Big Timber, MT), January 2, 1936.

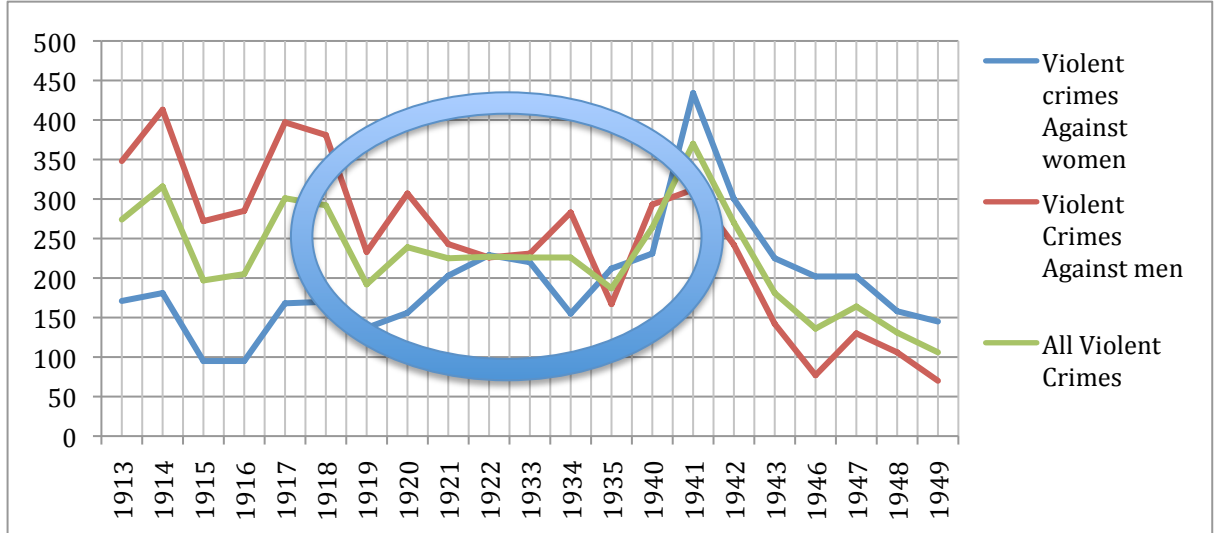


Figure 5: Rates of Gendered Violence in Butte, Montana, 1919-1939. Although, overall violence (total rates of violence among Butte men and women) declined during this period, the targets of men's aggression shifted from other men to women, distinguishing this period from the 1910s and signaling a reversal in violence trends that would continue through the 1940s.

The figures for male-on-female violence for this period also reveal that men were increasingly more likely to abuse women who were not their wives. In the 1920s, the majority of crimes against women remained wife assaults. However, rates of male-on-female street violence (assault, homicide and rape between unrelated adults) were only marginally lower than instances of wife assault.¹⁵³ In the 1930s, male-on-female street violence surpassed wife assault (figure 6).

¹⁵³ Again, rape law excluded wives, so any rape recorded here was male-on-female stranger violence.

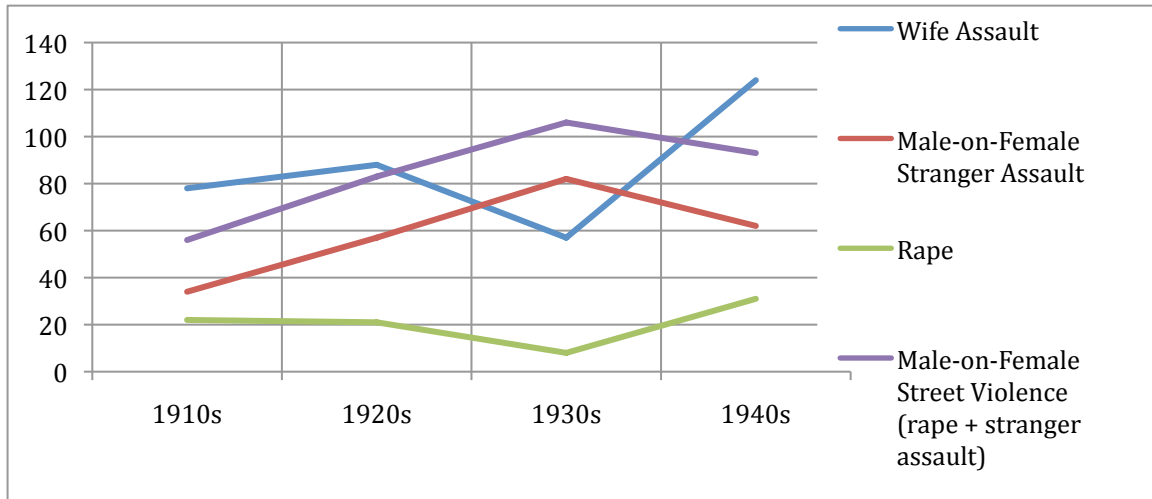


Figure 6: Decade Rates of Violence Against Women in Butte, Montana, 1910-1950

Dwindling rates of male-on-male brutality corresponded with alterations in demographics, masculinity, and the role of violence in masculine performance. While men were less likely to participate in male-on-male violence in the 1920s and 1930s, they were much more likely to violently engage women. The increasing rates of violence against women coincided with shifts in gender constructions and changes to the economic and social landscape of Butte.

* * * * *

Between the 1910s and 1920s, male-on-male assault fell from 283 per 100,000 to 209 per 100,000 and never again reached pre-war highs. This is the largest decline of male-on-male violence in first half of the century. Rates of male-on-male violence, like overall violent crime, remained steady in the 1930s (199 per 100,000). Additionally, that violence looked entirely different from the male-on-male violence of the 1910s. The raucous, public, and often spontaneous fighting of the 1910s dissipated in the 1920s and 1930s. Although the frustrations of the 1910s likely remained close to the hearts and

minds of Butte's working-class men, shifts in demographics following the intense labor struggle of the previous decade, a redefined masculine identity, and the altered role of violence as masculine performance corresponded with decreasing rates of male violence.

A close reading of case files indicates that the very character of male-on-male violence in Butte changed in the interwar years. The spontaneous bar brawls and the use of makeshift weapons that dominated the 1910s fell out of practice in the 1920s and 1930s, and men seemed more willing to allow for state intervention when conflict arose. For example, on June 20, 1933, while driving on the highway between Butte and Rocker, Arthur J. Cooley, a wood salesman, ran his new International truck right along Leo Bens's small model A Ford.¹⁵⁴ Bens swerved right until he was riding on the dirt shoulder. Cooley kept nudging his truck closer, eventually forcing Bens off the road and into a ditch.¹⁵⁵ Bens backed up out of the ditch and chased Cooley down the highway. Overtaking Cooley's truck, Bens slammed on his brakes, causing Cooley's truck to screech to a halt just inches from Bens's rear bumper. Both men got out of their cars, and Cooley struck Bens over the head with a machinist's hammer.¹⁵⁶ J. R. Weaver, a freight agent for Union Pacific, and C. A. Verdon were going fishing when they witnessed the altercation and pulled over.¹⁵⁷ Initially cheering for Bens to "give it to him," the men's tone quickly changed when the fight escalated.¹⁵⁸ Bens returned to his car and retrieved

¹⁵⁴ State of Montana v. Arthur J. Cooley, July 19, 1933, District Court Second Judicial District, County of Silver Bow, register/case no. 7275, Butte-Silver Bow Public Archives, Butte, Montana, 122, 9, 10.

¹⁵⁵ Ibid., 9.

¹⁵⁶ Ibid., 24.

¹⁵⁷ Ibid., 60.

¹⁵⁸ Ibid., 65.

“a set of chains tongs.”¹⁵⁹ Verdon suddenly shouted at him to stop: “Don’t hit him with that you are likely to hurt him.”¹⁶⁰ Weaver yelled after him, “if I were you I would get his license number and turn him in.”¹⁶¹ As Verdon testified, this subdued both men: “Cooley got back into his truck, sat down and Mr. Bens walked over to his car and laid this instrument in his car.”¹⁶² Bens recorded Cooley’s plate number and Verdon and Weaver wiped the blood from Bens’ face and tied a bandana around the laceration on his wrist. Bens filed second degree assault charges against Cooley, and although the outcome of the case is unknown, the justice court judged determined that there was sufficient evidence to set a \$750 bond and bind the case over to district court.¹⁶³ In this case, Cooley and Bens’ peers encouraged them to back down. Rather than losing face by walking away from a fight, these men showed restraint in the face of physical combat. Additionally, in sharp contrast to the 1910s, all of the men involved, participants and spectators, were more willing to allow authorities to intervene rather than settle the dispute amongst themselves.

In Butte, decreasing rates and the altered characteristics of male-on-male violence in the 1920s and 1930s coincided with significant shifts in demographics and masculinity. The defeats of the previous decade left the population sobered and the social landscape altered. Following WWI, Butte’s economy plunged into a severe postwar depression, and several mines closed. By 1920, a third of Butte’s population vacated the

¹⁵⁹ Ibid., 7.

¹⁶⁰ Ibid., 61, 67.

¹⁶¹ Ibid., 43.

¹⁶² Ibid., 62, 61.

¹⁶³ Ibid., 149.

city, following suspensions of mining, which led to the layoff of over 6,500 laborers.¹⁶⁴ In the population that remained, following widespread layoffs, married men, for the first time, outnumbered single men, and women made up approximately 45 percent of the city's population, restructuring the raucously male prewar city.¹⁶⁵ Additionally, Butte men were increasingly encouraged to engage as companionate husbands and present fathers.¹⁶⁶ Men acted as scout leaders and coaches, as organizations across the nation renewed their attention to youth development.¹⁶⁷ The growing centrality of men's role in the family is evident in widespread participation in family activities. In July 1922, for example, record crowds attended Miner's Field Day in Butte at Columbia Gardens, where families joined in races and celebrated with picnics.¹⁶⁸

Decreases in and alteration to the character of male-on-male violence illustrates that the role of violence among these family men had changed. By the 1920s, men's attempts to elevate their masculine status through physical battles were less acceptable. In fact, physicians and the public increasingly linked violence among men on the streets to savagery. In his article, "The Cost of Crime," *Montana Standard* reporter Grove Patterson reflected this view:

The most dangerous tendency in humans is the tendency to surrender themselves to the dominance of their instincts and impulses and emotions. It is the business of the really civilized man to control his emotions---not

¹⁶⁴ Mary Murphy, *Mining Cultures: Men, Women, and Leisure in Butte, 1914-1941* (Chicago: University of Illinois Press, 1997), 23.

¹⁶⁵ *Ibid.*, 23, 1-2, 28, 29; Matthew L. Basso, *Meet Joe Copper: Masculinity and Race on Montana's World War II Home Front* (Chicago: The University of Chicago Press, 2013), 40; Butte, Montana, 1920 U.S. Census, population schedule.

¹⁶⁶ Murphy, *Mining Cultures*, 108.

¹⁶⁷ *Ibid.*

¹⁶⁸ Janet L. Finn, *Mining Childhood: Growing up in Butte, Montana, 1900-1960* (Helena: Montana Historical Society Press, 2012), 41.

be controlled by them. Right at that point lies the line of difference between man and the lower animals from which some say he sprung.¹⁶⁹

This is not to say that fighting had no place in masculine constructions, but rather that individual men's role or participation in violence shifted. Decreases in spontaneous bouts between men on the streets of Butte were perhaps due to the fact that violence became an organized part of entertainment culture. Organized "rough" sports and prizefighting were widely endorsed in the 1920s and 1930s, as both provided a new opportunity for men to prove masculine power.¹⁷⁰ WWI especially brought a new respect for sanctioned fights, which stood against the past turmoil of war, and allowed fighters to be heralded as icons similar to the soldier and cowboy of years past.¹⁷¹ Butte residents had always supported and regularly voted for the least restrictive laws regarding prizefighting, and starting in the 1920s boxing became legally sanctioned, and thus more widespread, in the U.S. It was favorite form of entertainment across the nation and in Butte.¹⁷² As the boxing craze swept the sports world, Butte set its sights high, working to bring to the city some of the best known fighters in the ring. In the 1920s and 1930s, matchmakers even arranged fights among local boys to open the main events.¹⁷³

The growing acceptability of physical combat in organized matches may have provided Butte men with a much needed release to the tension of economic uncertainty and altered the ways in which fighting acted as a masculine marker. The legalization and

¹⁶⁹ Grove Patterson, "The Cost of Crime," *Montana Standard*, April 18, 1929.

¹⁷⁰ George Chauncey, *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940* (New York: Basic Books, 1994), 113.

¹⁷¹ Murphy, *Mining Cultures*, 115; Chauncey, *Gay New York*, 113.

¹⁷² Murphy, *Mining Cultures*, xvi, 116.

¹⁷³ "Matchmaker Staples Says Some of Leading Fighters will Head Cards in Butte," *Montana Standard*, December 22, 1929.

popularization of prizefighting perhaps also transformed, to some degree, the ritual of street violence. Rather than participate in spontaneous, unorganized street fights, men could exercise the same claim to power through spectatorship, an imaginary participation rooted in experience.¹⁷⁴ In this way, legalized and mass-produced prizefights were born from the working-class practice of street fighting. As a commodity, fighting was returned to the male working-class, rendering the individual performance of violence less necessary.¹⁷⁵ As viewers, men were allowed to admire and identify with fighters who represented the epitome of virility and opportunities for upward mobility.¹⁷⁶ Indeed, boxing provided an avenue on which American masculinity could be elevated at the international level. American sports critics and athletes regularly argued that the standards of U.S. boxing and the talent of U.S. fighters were unmatched. In a 1929 article appearing in the *Montana Standard*, light heavyweight champion of the world Tommy Loughran compared French fighters to those in the U.S. While he recognized that the “mitt game” was gaining popularity in France, he and others pointed to French fighters’ comparatively smaller stature and lack of skill. They were, in short, no matches for American boxers.¹⁷⁷ While some twenty-first century scholars argue that increased violence in media promotes more violence in society, and while even critics in the 1920s

¹⁷⁴ Pierre Bourdieu, “How Can One Be A Sports Fan?,” in *The Cultural Studies Reader*, ed. Simon During (New York: Routledge, 1999), 433.

¹⁷⁵ *Ibid.*

¹⁷⁶ Chauncey, *Gay New York*, 114.

¹⁷⁷ Tommy Loughran, “Mitt Game at Top in France Champ Says,” *Montana Standard*, January 2, 1929.

and 1930s feared an increased bloodlust among consumers of violent entertainment, for a time it may have mitigated much of the male-on-male violence on Butte's streets.¹⁷⁸

Male-on-male violence remained low in the 1930s despite the fact that the Depression hit Butte hard.¹⁷⁹ In the year leading up to the Depression, a labor shortage prompted the ACM to increase wages and advertise for positions in the East. Following the market crash, however, 84 percent of miners found themselves without work.¹⁸⁰ While economic turmoil in the 1910s corresponded with surging rates of male-on-male violence, in the 1930s it did not. It is important to note that, as Randolph Roth rightly argues, "Men who are poor, oppressed, or unemployed can be disposed to violence in one historical situation and to nonviolence in another."¹⁸¹ In Butte, the New Deal's focus on laboring men, which shored-up their masculine status, and a focus on communal struggle coincided with low rates of brutality between Butte men in the 1930s.

The New Deal shaped masculinity in Butte in two important ways. First, New Deal programs worked to strengthen working-class men's status as breadwinner by providing jobs. Second, the breadwinner status took on a revised appearance under these

¹⁷⁸ See Richard Ryder, "Violence and Machismo," *RSA Journal* (1993): 706-717; Murphy, *Mining Cultures*, 115; Bourdieu, "How Can One Be A Sports Fan?," 435.

¹⁷⁹ Janet Ore, "Labor and the New Deal in Butte, Montana: The International Union of Mine, Mill, and Smelter Workers' Strike of 1934" (master's thesis, Washington State University, 1987), Vertical File AW 0006, Butte-Silver Bow Public Archives, Butte, Montana, 19.

¹⁸⁰ Basso, *Meet Joe Copper*, 42.

¹⁸¹ See Randolph Roth, *American Homicide* (Cambridge: Harvard University Press, 2009), 17; also see, Roth, *American Homicide*, 439-441. Here Roth argues that increased faith in one's government, made possible through New Deal relief efforts, and a belief that the existing hierarchical structures are legitimate kept homicide low during the Depression years. Also see, Randolph Roth, "Measuring Feelings and Beliefs that May Facilitate (or Deter) Homicide: A Research Note on the Causes of Historic Fluctuations in Homicide Rates in the United States," *Sage* 12, no. 2 (2012): 197-216.

programs. As the Depression wore on, a man's willingness to do and share work became markers of manhood in Butte. Despite a bust economy, miners worked in staggered shifts, so that as many men as possible could remain at least partially employed.¹⁸² Many other unemployed men in Butte moved into positions previously held by women.¹⁸³ Although initially hesitant of direct relief, Butte men eventually welcomed work relief programs, and when work was not available, they came to believe "they deserved the government's assistance as much as anyone else."¹⁸⁴ Increased government intervention and a large-scale economic decline leveled the playing field, so to speak. If a man was unable to provide for his family, it was more the product of the Depression than of his inability to work like a man, an idea that New Deal programs and cooperative shift sharing reinforced. Roosevelt's landslide victory in Montana after addressing a weary audience from Butte's courthouse steps evidences the extent to which Butte citizens' faith in the government was renewed.¹⁸⁵ Most men in Butte shared a common belief in their government and bonded over widespread poverty, which may have mitigated violence among men. In fact, the changing role of government in the lives of Butte citizens may well have prompted men like Cooley and Bens to more easily turn to authorities to settle disputes.

The New Deal's success in providing masculine stability and communal support may also account for the comparatively low levels of violence during the 1934 strike. Although Butte crime data shows that male-on-male violence climbed during 1934, it

¹⁸² Ore, "Labor and the New Deal in Butte, Montana," 21.

¹⁸³ Basso, *Meet Joe Copper*, 42.

¹⁸⁴ Basso, *Meet Joe Copper*, 42.

¹⁸⁵ Ore, "Labor and the New Deal in Butte, Montana," 26-27.

remained markedly lower than it had in previous strike years and fell to its lowest rate in two and a half decades in 1935. Section 7(a) of the New Deal, which addressed the right to collective bargaining, ignited a revival of a miners' union, and shift bosses and all classes, finding themselves comrades in an economic depression, rallied behind local organizing efforts.¹⁸⁶ Following the miners' walkout, many men from support industries likewise walked out, and the International Union of Mine, Mill, and Smelter Workers compelled resistant men to follow suit. On May, 8, 1934, even the engineers and pump men, "whose services were necessary to protect the mines from destruction," joined the strike.¹⁸⁷

Data indicates that in 1934 Butte men were less likely to express their frustrations through physical aggression against other men than they had been in earlier strike years. For example, male-on-male assaults in 1934 occurred at a rate of 276 per 100,000 compared to a rate of 366 per 100,000 in 1914 and 339 per 100,000 in 1917. These rates show that men less frequently engaged in violence immediately motivated by the strike and less frequently responded to strike related pressures with violence against other men. Commonly called the most peaceful strike in Butte, much of the violence associated with the strike involved rock throwing and harassment or was directed at ACM property rather than individuals. For example, what began with rock throwing that broke "hundreds of windows," picketers' attacks on company property escalated to arson at the Parrot Mine on July 23, 1934. When firefighters arrived on scene to extinguish the flames, individuals

¹⁸⁶ Ibid., 31-32, 39.

¹⁸⁷ State of Montana v. Harry Gale, June 11, 1934, District Court Second Judicial District, County of Silver Bow, register/case no. 7296, Butte-Silver Bow Public Archives, Butte, Montana.

destroyed the hydrants and water hoses. The “flames [which] shot 50 feet into the air and made the fire visible for miles” burned for two and a half hours.¹⁸⁸ ACM representative, D. M. Kelly wrote an open letter to Butte Sherriff Larry Weir, “demanding that he suppress acts of violence against” company owned “property valued at many millions of dollars.” Kelly implored officers to make arrests and asked that Butte citizens cease sabotaging pumps and other equipment: “the company calls attention to the public interest in preserving its property, as its continued operations are not only the basis of the economic welfare of the communities directly dependent upon these operation, but of the state itself.”¹⁸⁹

This is not to say that interpersonal strike related violence did not happen. Some serious encounters between men, including an attack on George Vivian, ACM sampler, did occur. In July, tensions amped up in Butte, and Vivian, who was working to keep the mines from flooding was beaten about the head and face as police escorted him from an angry crowd, who then flipped his car and lit it on fire.¹⁹⁰ Likewise, picketers threw stones and bolts at Charles Staples as he was leaving the Leonard Mine.¹⁹¹ As the data indicates, however, these types of attacks occurred at a lower rate than they had in earlier strike years. Interpersonal violence between men was likely kept in check because picketers pledged peace, the police and most of the city supported the strike, scabs were either brought in from outside or their identity was carefully protected, and government

¹⁸⁸ “Arson is Added to Violence in Miners’ Strike,” *Montana Standard*, July 23, 1934.

¹⁸⁹ “A.C.M. CO. Demands Officers Enforce Law, Make Arrests,” *Montana Standard*, July 23, 1934.

¹⁹⁰ Ore, “Labor and the New Deal in Butte, Montana,” 60.

¹⁹¹ “Arson is Added to Violence in Miners’ Strike,” *Montana Standard*, July 23, 1934.

aid provided much needed relief to strikers and their families.¹⁹² Additionally, the citywide support and lack of infighting fostered a common cause and increased one's faith in the movement's ability to exact change without resorting to violence.¹⁹³ Lastly, the absence of federal troops likely eased violence, as the presence of armed guards during labor disputes has been correlated to high rates of industrial violence.¹⁹⁴

Moreover, similar to individual acts of aggression across the decade, the character of violence during the strikes also altered. In addition to targeting company property, picketers directed much of their aggression towards the homes of suspected scabs. An anomaly to overall violence patterns in the 1920s and 1930s, physical violence against women plummeted during the strike.¹⁹⁵ While the physical abuse of women subsided for a moment, however, many women found themselves at the center of increasing strike tensions. Many of the scabs themselves remained behind the fence, leaving their wives and children to protect their homes and bodies from the throngs of strike supporters who nightly "serenaded" the homes of men who remained "behind the fence."¹⁹⁶ Ida Boardman, whose husband was a mining engineer and continued to work for the ACM

¹⁹² Also, see Ore, "Labor and the New Deal in Butte, Montana," 51, 50, 49, 98, 101.

¹⁹³ See Roth, *American Homicide*. Roth argues that there are four correlates to increased homicide between unrelated adults: The belief that legal agencies and the government are stable and "will redress wrongs," faith in one's government, patriotism, "belief that the social hierarchy is legitimate and that one can command the respect of others without resorting to violence." Roth, *American Homicide*, 17-18; Ore, "Labor and the New Deal in Butte, Montana," 95-112.

¹⁹⁴ See H. M. Gittleman, "Perspectives on American Industrial Violence," *The Business History Review* 47, no. 1 (1973): 1-23.

¹⁹⁵ Rates of violence against women in 1934 were 155 per 100,000. In 1933, they were 220 per 100,000, and in 1935 they rose again to 212 per 100,000.

¹⁹⁶ Finn, *Mining Childhood*, 48.

during the strike, was consistently harassed.¹⁹⁷ In an assault complaint she filed against Harry Gale, Boardman described how, as a direct result of her husband's position, she was and "intimidated and insulted." Carloads of strikers surrounded her home. They brought banners and poured red paint on her sidewalk. She called the police, but Butte city officers never responded.¹⁹⁸ Robin Downing, whose husband was an ACM shift boss, participated in the same suit against Gale.¹⁹⁹ Picketers harassed her children, chanted "Chappie Downing, the scab," and painted "Scab 3-7-77," the Montana vigilantes' symbol, on her garage door.²⁰⁰ While the verbal abuse of Boardman and Downing was certainly rooted in issues of class, it also demonstrates a shift in the performance of strike violence. Whereas in 1914 and 1917, violence directly related to strikes most often played out between men, violence in the 1934 strike began to transition to domestic spaces.

Perhaps ironically, a decrease in overall physical violence against women (assault, rape, homicide) during the strike may have also been a product of the organized presence outside of scabs' homes. Men's regular participation in vigils outside scabs' houses and around the mine yards targeted their aggression at specific women – scabs' wives. It may have also kept men briefly out of domestic spaces where wife assault most often occurred. The inversion of violence rates, however, was fleeting, as in 1935, rates returned to earlier patterns in which men increasingly exacted violence against women.

¹⁹⁷ 1920 U.S. Census, Butte Ward 2B, Silver Bow, Montana, population schedule, pg. 1A, John L. Boardman and Ida Boardman. Silver Bow County, Montana.

¹⁹⁸ State of Montana v. Harry Gale, July 17, 1934, District Court Second Judicial District, County of Silver Bow, register/case no. 7296, Butte-Silver Bow Public Archives, Butte, Montana.

¹⁹⁹ R.L. Polk and Company Directory, Butte, Montana, Herbert Downing, 1927.

²⁰⁰ *Gale*.

While New Deal programs may have aided in decreasing many forms of violence between men, especially as they related to labor, sources reveal that the motivations for the male-on-male violence that remained had altered. In the 1930s, places of amusement shut down, and the poor and unemployed sought shelter in the roadhouses that dancing couples had filled just a few years earlier. Increasingly people remained in their homes where friends and neighbors collected for card parties, and much of the public violence in which men had participated likewise retired to the home.²⁰¹ In 1933, for example, Tom C. Wilson stabbed Frank Kingsbury in his home. Wilson, who rented his cabin from Kingsbury, stopped over to borrow a pot to make mulligan stew when an argument erupted. Wilson accused Kingsbury of stealing a bottle of whiskey and entering his cabin even after he had paid his first month's rent. Viewing this as a trespass, he drew a knife and stabbed Kingsbury in the chest. Following this incident, Kingsbury filed first-degree assault charges against Wilson. The justice court judge bound the case over to district court, but the outcome is unknown.²⁰²

Like the violence of the prewar and WWI era, this fight functioned as a form of conflict resolution. Unlike violence of the previous era, however, this assault took place in a home rather than over a card table and a drink. Likewise, this argument was not based in labor or workplace hierarchies, nor was it rooted in the same "spirit of

²⁰¹ Murphy, *Mining Cultures*, 203-202.

²⁰² State of Montana v. Tom C. Wilson, July 1, 1933, District Court Second Judicial District, County of Silver Bow, register/case no. 7233, Butte-Silver Bow Public Archives, Butte, Montana.

celebration and economic control.”²⁰³ Shifts in gender constructions and entertainment practices, which more closely aligned men with the home, may have resulted in more violence motivated by domestic matters. Simultaneously, Depression period support of the breadwinner did not necessarily translate into securing men’s domestic situation.

While the common experience of hardship is apparent in the men’s sharing of domestic products (i.e., the cooking pots), other forms of property, including independent domiciles, required additional protective measures in an economically uncertain time.

Wilson, who had moved from Kansas to California looking for work so that he could help support his mother, came to Butte in hopes of securing employment in the Orphan Girl mine.²⁰⁴ Beholden to a landlord and struggling for work, his status as a breadwinner was unstable, which may have led him to violently assert his right to a domestic authority in the face of threats to his personal property (a bottle of whiskey and a rented cabin).

Whereas in the prewar and WWI era (1910-1918), violence against men frequently occurred in bars, brothels, and gambling halls, male-on-male violence took on new characteristics in the interwar years (1919-1939). Moreover, as shifts in masculine identity more closely rested in the home, so too did the immediate motivations for male-on-male violence.

Shifting demographics and definitions of masculinity in the interwar years may have played a role in changing the ways in which men achieved masculine prowess and the role of violence between and among men. An older, more conservative, and married

²⁰³ Pamela Haag, “The ‘Ill-Use of a Wife:’ Patterns of Working-Class Violence in Domestic and Public New York, 1860-1880” *Journal of Social History* 25, no. 3 (1992): 450.

²⁰⁴ *Wilson*, 18.

male population changed the social and labor landscape of Butte. As fatherhood became more vital to American masculinity, men's participation in public activity found them more frequently with the family and in the home. Participation in criminal violence was, for this period at least, not as central to male spaces and relationships, which perhaps led to dramatic declines in male-on-male violence. By the 1920s, men had largely retired their pocketknives, put down their metal pipes, and less frequently took out their physical aggression on other men.

Again, while overall rates of violence among men fell during the interwar years, male-on-female violence surged. Dr. Frank McCoy, whose column on health appeared in the *Montana Standard* in 1928, explained, "The bullying man who built his superiority by sheer physical brutality has passed on with the going years." In fact, he heralded the development of the tougher woman and gentler man as soothing any antagonism that existed between the sexes and paving the way for happier, healthier relationships and marriages.²⁰⁵ Aside from the period of the 1934 strike, however, violence against women, both in the home and on the streets, surged between 1919 and 1939. In fact, violence against women surpassed violence against men for the first time in 1922, and for the first time, male-on-female street violence—violence among unrelated men and women—in the 1920s, occurred at a similar rate as wife assault, actually exceeding it in the 1930s. Specifically, violent crimes against women in the 1920s occurred at a rate of 198 per 100,000, and at a rate of 122 per 100,000 in the 1930s. As masculine brawls in the streets faded from practice, men more often turned to violence against women.

²⁰⁵ Dr. Frank McCoy, "Health and Diet Advice," *Montana Standard*, October 22, 1928.

Montana proceeded national trends, passing prohibition in 1916 and extending suffrage to women in 1914. As such, Butte, like the nation, underwent significant social change during the interwar years. In this post-war transformed city, Butte women allied with men to shape their local community. Despite these expanding rights and opportunities for women, the promotion of companionate marriages, and changes in masculinity, men in the 1920s were more likely to abuse their wives than in the prewar and WWI era. During this period, records of wife assaults filled the pages Butte criminal actions. For example, Michael O'Toole, a repeat offender, often appeared in court records for both assault and failure-to-provide. On June 17, 1921, he put his wife, Victoria, in the hospital. Although her friends and neighbors, Mrs. Carnis and Mrs. Sternberg testified on Victoria's behalf, the court sentenced Michael to three months suspended.²⁰⁶ The same year, John J. Lowry attacked his wife Elise and threatened to kill her with a shovel. Although Elise initially filed the disturbing the peace complaint against her husband, she later asked that the court dismiss the case, which it did.²⁰⁷ Significantly, the rising instances of wife assault in 1920s Butte are comparable to spaces across the West. Zhiqiu

²⁰⁶ State of Montana v. Michael O'Toole, *Records of Criminal Action*, Justice Court, June 17, 1921, Vol. 17, pg. 120, Butte-Silver Bow Archives, Butte, Montana.

²⁰⁷ State of Montana v. John J. Lowery, *Records of Criminal Action*, Justice Court, January 3, 1921, Vol. 16, pg. 348, Butte-Silver Bow Archives, Butte, Montana. The expense of a trial and women's difficulty in separating themselves from their abusers due to economic situations, custom, or lack of an alternative place to go put women in a difficult position when they attempted to seek legal recourse. For more on this subject, see chapters five and six.

Lin in his study of policing in western Canada also found evidence that in the 1920s, “wife abuse reached an intolerable state.”²⁰⁸

A close analysis of many of these crimes suggests that the motivations for and means of violence against wives, for the most part, had remained intact. Throughout the interwar years, many Butte men continued to cite domestic grievances as their motive for abuse. Additionally, as in earlier years men primarily carried out abuse with their hands, and if they used a weapon, it was usually a household product (i.e. chairs, scissors, broomsticks, shovels). In 1921, for example, whereas Dennis Hillen and Carl Matter preferred their fists, Nick Prus severely beat his wife, Katherine, with a broomstick.²⁰⁹

Although the individual motives and means did not always differ significantly from earlier years, some Butte cases illustrate that men often aligned their justification for abuse or the escalation thereof with shifting views of manhood and the increasingly shared economic responsibilities between husbands and wives. Born about 1891 in Butte, Montana, to a local copper miner, Evelyn Niles married Edward J. Niles, a recent English immigrant and teamster, on November 10, 1908.²¹⁰ By 1920, they had moved to the Flats, south of Butte, and Evelyn had given birth to four daughters and one son, ranging in age

²⁰⁸ Zhiqiu Lin, *Policing the Wild North-West: A Sociological Study of the Provincial Police in Alberta and Saskatchewan, 1905-32* (Calgary: University of Calgary Press, 2007), 101.

²⁰⁹ State of Montana v. Dennis Hillen, *Records of Criminal Action*, Justice Court, January 22, 1921, Vol. 16, pg. 20, Butte-Silver Bow Archives, Butte, Montana; State of Montana v. Carl Matter, *Records of Criminal Action*, Justice Court, March 8, 1920, Vol. 16, pg. 478, Butte-Silver Bow Archives, Butte, Montana; State of Montana v. Nick Prus, *Records of Criminal Action*, Justice Court, August 2, 1920, Vol. 16, pg. 122, Butte-Silver Bow Archives. Butte, Montana.

²¹⁰ 1920 U.S. Census, Butte Ward 7B, Silver Bow, Montana, population schedule, pg. 6A, Edward Niles and Evelyn Niles. Silver Bow County, Montana; Marriage certificate no. 1389 (1908), Edward J. Niles and Evelyn M. Martin; Montana Division of Vital Statistics, Montana.

from two to ten.²¹¹ While physical abuse was a constant in the Niles' home, Edward had recently insisted that Evelyn engage in prostitution, which she did "to keep things quiet."²¹² Edward's motivation for this new form of abuse seemed to be financial. Indeed, Edward would recommend men who had money to Evelyn and demand that she go "to get a few cents." If she refused, Edward would throw her out of the house for the night.²¹³ While a husband prostituting his wife was certainly not unique to the 1920s, Edward's insistence that his behavior was rooted in paternal love and familial responsibility signals a shift in how men interpreted their use of force. In his testimony, Edward defended both his actions and inactions through the language of paternal responsibility. He said that he loved his family, and when Evelyn threatened to leave because of his abuse, this love motivated his violent temper to burst into uncontrollable brutality. It was however, his recognition that both he and Evelyn needed to support the children that prevented him from killing them both.²¹⁴ Perhaps this narrative resonated with the court, as the judge in the district court dismissed the assault charges that Evelyn filed against Edward.²¹⁵

Regardless of individual motives, however, the significant uptick of violence rates in the home perhaps signals the continuation of an older pattern in a new venue. While saloon culture and male-on-male violence had, in the prewar and WWI period, existed as a way for men to exert monetary and physical autonomy, the home, in the interwar era,

²¹¹ 1920 U.S. Census, Butte Ward 7B, Silver Bow, Montana, population schedule, pg. 6A, Edward Niles and Evelyn Niles.

²¹² State of Montana v. Edward J. Niles, January 14, 1920, District Court Second Judicial District, County of Silver Bow, register/case no. 5527, Butte-Silver Bow Public Archives, Butte, Montana, 5.

²¹³ *Ibid.*, 6, 5.

²¹⁴ *Ibid.*, 15-19.

²¹⁵ *Niles*.

may have become the primary site where battles over commodity control took place. Through the 1920s, 22.7 percent of Butte women were employed, compared to 21.1 percent of women nationally.²¹⁶ Women in Butte during the 1920s and 1930s, worked as waitress, as maids, and as salesclerks in retail shops and groceries.²¹⁷ The increase in pink-collar jobs restructured women's work and the social landscape of Butte.²¹⁸ In fact, the flow of women into the workforce prompted the local Salvation Army to open a nursery to care for children while their mothers were at work.²¹⁹ Indeed, even as mining work and the city's population declined in the 1920s, women's enrollment in the Women's Protective Union grew. Collectively the union focused its efforts on promoting the value of women's work and social contributions.²²⁰ Increasing rates of male-on-female violence during these years suggest that men and women struggled to cope with shifting gender and marital norms that were in part the product of the economic restructuring of the city.

As women increasingly entered male dominated workspaces, their purchasing power too grew. Aside from investing in entertainment, women purchased household items, cosmetics, and ready-made clothes, and wage-earning women became the primary consumer aim of goods associated with the home and for those that were not.²²¹ While

²¹⁶ Murphy, *Mining Cultures*, 20,

²¹⁷ Butte, Montana, 1930 U.S. Census, population schedule.

²¹⁸ Murphy, *Mining Cultures*, 19.

²¹⁹ Finn, *Mining Childhood*, 41.

²²⁰ Marilyn Maney Ross and Janet L. Finn, "Sisterhood in Powerful: The Labors of the Butte Women's Protective Union," in *Motherlode: Legacies of Women's Lives and Labors in Butte, Montana*, eds. Janet L. Finn and Ellen Crain (Livingston: Clark City Press, 2005), 43,40.

²²¹ Hilary A. Hallett, *Go West Young Women!: The Rise of Early Hollywood* (Berkeley: University of California Press, 2013), 105.

advertisers as early as the 1910s recognized women as important purchasing agents, they tended to only target products associated with the home and beauty to female audiences. In the 1920s, however, companies, who had previously marketed their products exclusively to men, including automobile and radio manufacturers, began to court women as tech savvy purchasers.²²² Even the film industry, the largest producer of popular culture following the war, in its recognition that women drove the successes or failures of films, speaks to the power of women as consumers.²²³ The extreme increase in violence against women following WWI and the simultaneous decrease in male-on-male violence evidences a significant shift in the ways men enforced power in the interwar years. In earlier years, men engaged other men in fights over card tables in local saloons, the few spaces not owned by the company, in order to assert autonomy and dominance even in financially insecure times. As this type of violence became outdated, and as women gained more purchasing power, this power struggle appears to have played out in a new arena, the home.

While fewer wives reported assaults in the 1930s than in the 1920s, husbands were more likely to murder their wives in the Depression years than they had been during the previous two decades. In the 1930s, wife *assault* dwindled to its lowest point at 57 per 100,000 people. But, men were twice as likely to *kill* their wives in the 1930s than in the

²²² Kathy L. Peiss, “American Women and the Making of Modern Consumer Culture,” (Phi Alpha Theta lecture, University at Albany, State University of New York, NY, March 26, 1998), *The Journal for Multi Media History* 1, no. 1 (1998). <http://www.albany.edu/jmmh/vol1no1/peiss-text.html>. See also, Kathy L. Peiss, *Hope in a Jar: The Making of America’s Beauty Culture* (New York: Metropolitan Books/Henry Holt, 1998); Susan Porter Benson, *Counter Cultures: Saleswomen, Managers, and Customers in American Department Stores, 1890-1940* (Urbana: University of Illinois Press, 1986).

²²³ Hallett, *Go West Young Women!*, 104, 105.

1910s. Domestic homicide rates suggest that competing definitions of family may have been difficult for couples to reconcile. As historian Elaine Tyler May argues, while economic catastrophe created the opportunity for a new family in which spouses shared financial responsibility, “it also created nostalgia for a mythic past in which breadwinners provided a decent living, and homemakers were freed from outside employment.”²²⁴

Increased wife homicide rates suggest that couples struggled to cope with financial insecurity and tensions between the myth of marriage and the reality of marriage.

Additionally, just as the Depression made getting married less economically feasible, so, too, did it make getting a divorce more difficult, forcing women and men to remain in unhappy marriages.²²⁵ Divorces in Butte decreased in the 1930s, perhaps giving way to increasingly dangerous domestic situations.²²⁶ This may have been the case for forty-eight year old Anna Talvitie, who married John Talvitie, a local miner, in 1919. After a few years of marriage, the couple divorced, but soon remarried. Anna had filed another action for divorce but did not carry it through prosecution. In January 1934, John, who was in the late stages of tuberculosis, likely brought on by years of working in the mines, called Anna to his bedside. When she neared the edge of the bed, John stabbed at her with a pair of dressmaker’s scissors. Anna fled to the bathroom, where she called out

²²⁴ Elaine Tyler May, *Homeward Bound: American Families in the Cold War* (New York: Basic Books, 2008), 40.

²²⁵ This is similar to an earlier trend during the 1870s depression, when divorce rates also decreased, in Montana. For more information, see Paula Petrik, “If She Be Content: The Development of Montana Divorce Law, 1865-1907,” *Western Historical Quarterly* 18, no. 3 (1987): 261-291.

²²⁶ Murphy, *Mining Cultures*, 202; May, *Homeward Bound*, 42. Interestingly, unlike in earlier years, wives did not respond with increased violence. In fact, in the 1930s, women killed their husbands at a rate of less than 1 per 100,000. Also worth noting is that nationally divorce rates increased. Whether or not wife homicide increased in other locals requires additional research.

to neighbors for help. But before anyone could intervene, John stabbed her an additional eleven times, puncturing her lung.²²⁷ John left Anna bleeding on the bathroom floor and wandered across Granite Street to a grocery store, where he asked the proprietor P. Ponkola to call the police. Responders took Anna to St. James Hospital in Butte to be treated. She was “later returned to her home where she died on the 5th day of January, 1934.”²²⁸ Due to John’s declining health and inability to continue working in the mines, the couple’s financial situation may have made divorce impossible and impractical, and the strained marriage ultimately had deadly consequences.

Like the blurring of public and private gendered spaces during the interwar years, the public and private abuse of women also blurred. While the majority of crimes against women in the 1920s, similarly to the previous decade, were wife assaults, violence did not merely retire into the privacy of domestic spaces. On the contrary, male-on-female street violence (male-on-female assault, homicide, and rape between unrelated adults) was comparable to wife assault in the 1920s and exceeded it in the 1930s. In the 1920s, while wife assault for the decade averaged 88 per 100,000, male-on-female street assault climbed to 83 per 100,000. In the 1930s, male-on-female street violence surpassed wife assault, reaching 106 per 100,000 – the highest rate of this type of abuse in the study period. The 1920s Revolution in Morals and Manners and the continued presence of women in the public realm during the Depression, alongside shifting marriage practices, may have affected rising violence on the streets.

²²⁷ “Woman Hurt Seriously; Hole in Lung,” *Montana Standard*, December 29, 1933.

²²⁸ Coroner’s Register, Anna Talviti, no. 51, July 1933-August 1936, Butte-Silver Bow Public Archives, Butte, Montana.

In the 1920s, women's accelerated entrance into the workforce and places of leisure, coincided with increased instances of male-on-female street violence—violence between unmarried men and women. While the records for rape cases are slim, available transcripts reveal striking similarities between cases. They indicate that men often perpetrated rapes against young, wage earning women whom they met at work. Ina Lipponen slept soundly in her bed with her infant tucked into her arms. Waking to the sound of shattering glass, she called out into the dark room, “Who is it?”²²⁹ Lipponen had become acquainted with Henry Poulos while working at the Leland, “Washing dishes and scrubbing the diningroom floor.”²³⁰ Poulos was a regular at the restaurant during her late night shift and consistently sexually harassed and propositioned Lipponen: “Hello, chicken. Why do as good looking as a girl as you work as hard? I could get you a good job, you could get forty or fifty dollars a night.”²³¹ His consistent harassment may very well have been what drove her to become “angry from working at that place” and ultimately quit on July 25, 1920, just hours before Poulos broke a panel of glass from her front door, allowing him to reach inside and unhook the latch.²³² At the sound of Lipponen's voice, he placed his hand over her mouth, began to scratch at her, and attempted to rape her.²³³ She called for help in both English and Finnish, rousing the upstairs neighbors, forcing Poulos to flee.²³⁴

²²⁹ State v. Henry Poulos, July 26, 1920, District Court Second Judicial District, County of Silver Bow, register/case no. 5653, Butte-Silver Bow Public Archives, Butte, Montana, 4.

²³⁰ Ibid., 3.

²³¹ Ibid., 4.

²³² Ibid., 8, 6, 4.

²³³ Ibid., 5, 9.

²³⁴ Ibid., 5, 4, 13, 9.

Given that several Butte rape cases during this period indicate that male sexual aggressors often met their victims/survivors at their places of work, rape in this period seems to have functioned as a way to reinforce male dominance in increasingly co-ed spaces. While Poulos did not work at the same establishment as Lipponen, he held a similar position at the Rampou Café, another local restaurant. After his shift, he frequented the Leland where many of his male friends worked.²³⁵ The sexually charged assaults in Lipponen's case, and in cases similar to hers, suggest, as historian Daniel E. Bender argues, that the verbal harassment, touching, groping, and rape men perpetrated against female co-workers "advanced and protected conceptions of sexual difference and then translated these conceptions into gendered hierarchies of skill and pay."²³⁶ While the size of Butte meant that women were not straying far from home even as they streamed into the workforce, Butte women, like their sisters in large metropolises faced similar harassment.²³⁷

While not all sexual harassment, as in Lipponen's case, escalated to an attempted rape or rape, it is quite likely that many Butte women endured similar forms of sexual aggression in and out of the workplace. Lacking the legal language of sexual harassment, however, women in the 1920s and 1930s could often only file formal complaints about sexually charged attacks under the less accurate crime of assault.²³⁸ Additionally, women may have faced the same predicament Lipponen faced. Although she filed an attempted

²³⁵ Ibid., 37, 41.

²³⁶ Daniel E. Bender, "'Too Much of Distasteful Masculinity: Historicizing Sexual Harassment in the Garment Sweatshop and Factory,'" *Journal of Women's History* 15, no. 4 (2004): 93.

²³⁷ Ibid.

²³⁸ Ibid., 95.

rape complaint, the county attorney opted to decrease the charges to assault. Following a preliminary hearing, the court dismissed the case. Although the majority of the crimes women faced in the 1920s and 1930s were termed assaults rather rapes, and therefore counted here as non-sexual assaults, it is possible that these attacks were still sexual in nature. For example, in October 1921, Ada Rule filed third degree assault charges against W. W. Daniels after he held her “around the waist and did forcibly rub himself against her in a . . . obscene and suggestive manner.”²³⁹ Although the attack on Rule was clearly sexual in nature, the absence of sexual harassment laws and the presence of legal and cultural interpretations of rape that only criminalized sexual hostility when it resulted in intercourse prevented her from filing a complaint under a more accurate name.²⁴⁰

Transformed social structures also aligned with alterations in the patterns of violent crime. As wage earners, women increasingly indulged in public entertainment and social limitations on women became more lax nationwide. Women attended boxing matches, movies, and gatherings at roadhouses, which progressively welcomed groups of women as well as men, promoting mixed-sex socializing.²⁴¹ Prohibition and speakeasy culture offered women and men opportunities to renegotiate their gender identities and relationships, and women seized the opportunity to access the power and privilege men associated with drinking. In addition to participating in public drinking culture, Butte

²³⁹ State of Montana v. W.W. Daniels, *Records of Criminal Action*, Justice Court, October 21, 1921, Vol. 17, pg. 329, Butte-Silver Bow Archives, Butte, Montana.

²⁴⁰ Susan Estrich, *Real Rape* (Cambridge: Harvard University Press, 1987), 13; Katherine Frank, “What’s Wrong with Sexual Harassment?” *Stanford Law Review* 49, no.4 (1997): 691-772; Bender, “Too Much of Distasteful Masculinity,” 95.

²⁴¹ Chauncey, *Gay New York*, 307, 117; Mary Murphy, “Bootlegging Mothers and Drinking Daughters: Gender and Prohibition in Butte, Montana,” *American Quarterly* 46, no. 2 (1994): 175.

women claimed a space in the production and sale of prohibited alcohol.²⁴² Butte judges and juries were baffled by the increasing number of women hauled in for running stills and selling beer and liquor in local boarding houses and groceries.²⁴³ While new womanhood came later to Butte, and while the size of the city kept women within reach of their families and neighborhoods, the revolution in morals and manners shaped life in the mining city.²⁴⁴ As such, Butte women, like those nationwide, blurred the well-established lines between public and private, challenging both legal and social customs.²⁴⁵

The intermixing of women and men in places of leisure may have also contributed to growing rates of male-on-female street violence in the interwar years. On November 11, 1922, the *Butte Miner* ran the story of Ethel (Thomas) Vlahides' death.²⁴⁶ Vlahides was born the fourth of six children in 1900 to Ethel and David Thomas in Fort Benton, Montana.²⁴⁷ When she was still a child, her family moved to Butte, where her father worked as a copper miner.²⁴⁸ By the age of twenty, Vlahides was working as a salesclerk at a Butte cigar store. She had moved out of the family home and lived at a boarding

²⁴² Chauncey, *Gay New York*, 307, 308; Murphy, *Mining Cultures*, 62, 52.

²⁴³ Murphy, *Mining Cultures*, 61, 62, 60.

²⁴⁴ *Ibid.*, 92-93, 99; Murphy, "Bootlegging Mothers and Drinking Daughters," 176.

²⁴⁵ Murphy, *Mining Cultures*, 62, 52.

²⁴⁶ "Names Slayer as Life Ebbs," *Butte Miner*, November 11, 1922.

²⁴⁷ 1910 U.S. Census, Butte Ward 7, Silver Bow, Montana, population schedule, pg. 4B, David W. Thomas, Silver Bow County, Montana; Marriage certificate (October, 5, 1908), Peter Vlahides and Ethel Thomas, Montana Division of Vital Statistics, Montana.

²⁴⁸ 1910 U.S. Census, Butte Ward 7, Silver Bow, Montana, population schedule, pg. 4B, David W. Thomas, Silver Bow County, Montana; 1920 U.S. Census, Butte Ward 3A, Silver Bow, Montana, population schedule, pg. 5B, Ethel Thomas, Silver Bow County, Montana.

house on South Arizona Street.²⁴⁹ On October 5, 1922, she married Peter Vlahides.²⁵⁰ Even before her marriage, however, Vlahides had begun to experiment with the nightlife in Butte. Newspaper reports described her as a drinker and suspected drug user. On several occasions, Butte police arrested her “on vagrancy and investigation charges.”²⁵¹ It was likely in one of the city’s places of leisure that Vlahides became acquainted with Maggie Riley, a well-known figure in Butte’s underworld. On the night of her death, for reasons that are unknown, Riley’s “man,” Charles “Baldy” Roberts, a bootlegger and narcotics dealer, broke into Vlahides’ rooms and demanded money. Whether she refused or simply had no money to turn over is unclear, but a fight broke out between Vlahides and Roberts. Robert’s fired one shot that fractured Vlahides’s vertebrae.²⁵² While women’s involvement in Butte’s “underworld” was not necessarily unique to the 1920s and while stories like Vlahides’s may have been overrepresented in the media, rising rates of male-on-female street violence in the 1920s and 1930s indicate that women were much more likely to be abused by men who were not their husbands than they had been in the 1910s.

While wife assault decreased in the 1930s, male-on-female street assault, the rates of which were 106 per 100,000, continued to rise. Decreasing marriage rates might suggest that in the 1930s, men abused women, who in another decade may well have

²⁴⁹ 1920 U.S. Census, Butte Ward 3A, Silver Bow, Montana, population schedule, pg. 5B, Ethal Thomas, Silver Bow County, Montana.

²⁵⁰ Marriage certificate (October, 5, 1908), Peter Vlahides and Ethel Thomas, Montana Division of Vital Statistics, Montana.

²⁵¹ “Names Slayer as Life Ebbs,” *Butte Miner*, November 11, 1922.

²⁵² *Ibid.*; Butte-Silver Bow County, Montana, Death certificate no. 28831 (1922), Ethel Vlahidis, Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana.

been their wives. Additionally, the altered culture of dating which provided for unchaperoned rendezvous may have provided greater opportunities for men to abuse women. While few particulars of Jean Miller's life outside of the "Christmas Day Tragedy" exist, it seems that this may have been the case for her and Knight. When Knight killed a police officer in Washington, he and Miller were on a ten-day vacation. The two had driven from Montana to Tacoma, where the couple secured a tourist cabin. When in Butte, they regularly spent evenings and sometimes nights in each other's apartments, and Knight supplied Miller with money to help with her living expenses.²⁵³ Perhaps if it had been economically viable, the two would have been married. Even if this were not the case, the nature of their relationship certainly signals a shift in co-ed mingling during the interwar years. Indeed, Miller's mother and sisters resided in Butte. It seems likely then that Miller's unchaperoned vacation with Knight, would not have gone without notice. Even the press seemed unsurprised by the details of their relationship, which they reported as little more than facts.

While Miller's extra-marital relationship with Knight drew little attention, her relationship with a murderer of police certainly did, and that association shaped her reputation. Unsympathetic to her status as an abuse victim/survivor, Butte police, following Knight's death, threatened to arrest her if she did not promise to leave the city.

²⁵³ "Knight was Determined to Kill to Avoid Arrest, Woman Associate Says," *Montana Standard*, December 27, 1935; "Story by Butte Woman Solves Seattle Killing," *Montana Standard*, December 27, 1935.

When she returned in May 1936, under the assumed name of Jeanette Baker, to visit her mother's grave, officers arrested and charged her with vagrancy.²⁵⁴

Locally, by the 1930s, the rugged masculinity often associated with the West underwent significant social transformations, and by the late 1930s, as Mary Murphy argues, the “description [of Butte as rowdy] was no longer apt. Butte was a sobered community, the bluster and boastfulness of its men punctured by a series of economic hardships and political defeats.”²⁵⁵ Historians Randolph Roth, Michael D. Maltz, and Douglas L. Eckberg have documented that homicide rates in the West remained higher than the rest of the nation until the 1930s, when they fell inline with national rates.²⁵⁶ While overall violent crime did decline in the 1920s and 1930s, rates against women soared, raising important questions about how people then and now understood, identified, and prioritized violence.²⁵⁷ Just as significant as the decreasing rates of overall violence was the changing role of violence in men's lives. In the previous decades, status wars were concentrated in public male spaces and fumed between the Company and laborers. The swift squashing of unions in the 1920s, and the stabilization of masculinity in the 1930s, which bonded men in a common poverty, transferred resistance to social hierarchies into the home, and the violent struggles that ensued were largely redirected at female bodies.

²⁵⁴ “Jean Miller, Main Figure in Christmas Tragedy, is Arrested on Return Here,” *Montana Standard*, May 22, 1936.

²⁵⁵ Murphy, *Mining Cultures*, 1.

²⁵⁶ Randolph Roth, Michael D. Maltz, and Douglas L. Eckberg, “Homicide Rates in the Old West,” *Western Historical Quarterly* 42, no. 2 (2011): 174.

²⁵⁷ For a more complete analysis of the cultural constructions of violence, see chapter six.

THE WAR AT HOME: VIOLENCE IN THE WORLD WAR II ERA

Hazel Lee wanted to leave. In the early 1940s, the violence in her little home on West Woolman Street in uptown Butte had escalated to death threats. “I am going to finish this once and for all,” her husband Leslie, a metal mine worker, once hissed as he held the cool tip of a butcher’s knife to her neck. She screamed loud enough to cause him to drop his weapon, temporarily securing her safety. On a later occasion, Hazel planned to leave. She told Leslie as much, but he threatened to kill their four little girls, so she stayed. For several months, Leslie had taken up the practice of carefully tucking a butcher’s knife and a pocketknife under his pillow before going to bed, ensuring that the threat to her life was never far from Hazel’s mind.²⁵⁸

Far from an isolated incident, violence against women like Lee soared in the 1940s. While the rates of male-on-male and male-on-female crime more closely aligned in the interwar years, they completely inverted in the 1940s. During these years, violence against women spiked to 226 per 100,000 compared to violence against men, which fell to 155 per 100,000. As in all earlier periods, men perpetrated the vast majority of these crimes, and similarly to the 1910s and 1920s, wife assaults made up the majority of crimes against women. The reversal in violence trends in the 1940s may have been due to correlating factors that mitigated forms of male-on-male aggression while antagonizing

²⁵⁸ Hazel Lee v. Leslie R. Lee, Civil Department, Index 940, Box no. C-1, January 29, 1940, Butte-Silver Bow District Court House, Butte, Montana.

male-on-female abuse. As 57,000 Montana men and women joined the armed services and the war effort overseas, women in Butte found themselves in a war at home.²⁵⁹

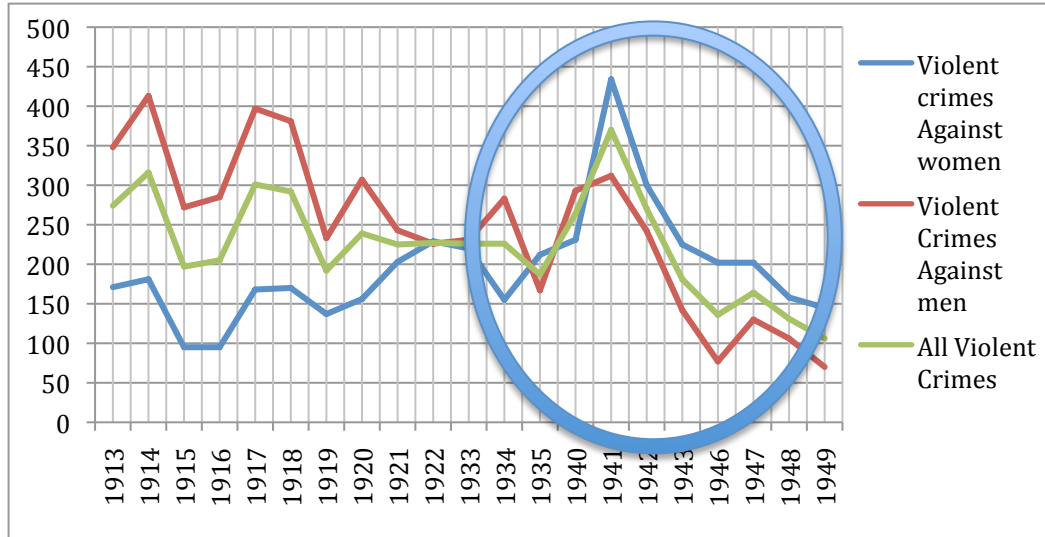


Figure 7: Rates of Gendered Violence in Butte, Montana, 1940-1950

The study of violence in Butte during the 1940s offers an unusual opportunity. While scholars have documented the long history of violence against women in war torn nations and have demonstrated that abuse often returns with soldiers, the impacts of war on home front brutality are less successfully studied. Cities, like Butte, where men remained at work in strategic industries during World War II and where male-on-female violence reached its highest rates in the first half of the twentieth century, provide an occasion to examine the ways in which violence abroad affects violence at home. Indeed, rather than soldiers, in Butte, miners and industrial workers perpetrated the majority of male-on-female crimes.

²⁵⁹ Janet L. Finn, *Mining Childhood: Growing up in Butte, Montana, 1900-1960* (Helena: Montana Historical Society Press, 2012), 51.

Additionally, scholars often interpret spikes in male-on-female violence as a backlash to expanding rights for women. During the 1940s, women had greater access to jobs and higher education, and the restructuring of wartime society, as Elaine Tyler May argues, led to the widespread “emancipation of women.”²⁶⁰ In many ways, this was true for Montana women, for whom the war effort provided expanded employment opportunities. For example, thousands of the state’s women, many of whom trained at Butte’s St. James School of Nursing, entered the cadet-nursing program. These women described the “travel, adventure, and independence” the new career provided.²⁶¹ Additionally, the *Copper Commando*, a local labor-management publication, regularly highlighted Montana servicewomen’s participation in the war effort.²⁶² However, in Butte, industry remained male dominated, and women who worked outside of the home in the 1940s, like women in the 1920s and 1930s, labored in clerical and service industry positions.²⁶³

Although women in Butte did not immediately threaten male dominated workspaces, the secure masculinity of the 1930s, which shored up the breadwinner status,

²⁶⁰ Elaine Tyler May, *Homeward Bound: American Families in the Cold War* (New York: Basic Books, 2008), 5.

²⁶¹ Ellen Crain and Andrea McCormick, “Butte’s Cadet Nurses: Commitment to Country, Community, and Caregiving,” in *Motherlode: Legacies of Women’s Lives and Labors in Butte, Montana*, eds. Janet L. Finn and Ellen Crain (Livingston, MT: Clark City Press, 2005), 124.

²⁶² Victory Labor-Management Production Committees of Butte, Anaconda, and Great Falls, “Front Cover Gal,” *Copper Commando* 1, no. 8, December 4, 1942. http://digitalcommons.mtech.edu/copper_commando/10.

²⁶³ Butte, Montana, 1940 U.S. Census, population schedule; Butte, Montana, 1950 U.S. Census, population schedule.

ended in the 1940s.²⁶⁴ Butte men's presence on the home front and the emergence of the soldier as ideal masculine figure destabilized Butte men's position. Local and national propaganda meant to inspire workers to meet wartime copper demands publically called into question the virility of home front men. Cartoons depicting soldiers fighting and dying juxtaposed to images of tired mining men reinforced the new masculine hierarchy.²⁶⁵ The *Copper Commando*, in its Thanksgiving 1942 issue, featured a photograph of "soldiers' boots trudging through the mud of a foreign land" to remind readers that "in the happy festive season which is now before us, our own people are putting up a real fight far from home."²⁶⁶ Likewise, federal and local debates over which jobs were essential and thus which men would be deferred from military service undermined mining masculinity by classifying some jobs as more skillful than others.²⁶⁷

Despite threats to Butte's mining masculinity in the 1940s, the data collected for the decade shows that Butte men were less likely to turn to male-on-male violence than they had been during any of the previous three decades. In the 1940s, violence against men decreased to the lowest rates of the study period. Overall violence (assault and homicide) against men fell to 155 per 100,000. Male-on-male assault shrunk to 134 per 100,000, and the homicide rate of men fell to 14 per 100,000. Three correlating factors

²⁶⁴ Matthew L. Basso, *Meet Joe Copper: Masculinity and Race on Montana's World War II Home Front* (Chicago: The University of Chicago Press, 2013), 6.

²⁶⁵ Matthew Basso, "Man Power: Montana Copper Workers, State Authority, and the (Re)drafting of Manhood During World War II," in *Across the Great Divide: Cultures of Manhood on the American West*, eds. Matthew Basso, Laura McCall, and Dee Garceau (New York: Routledge, 2001), 193-194.

²⁶⁶ Victory Labor-Management Production Committees of Butte, Anaconda, and Great Falls, "Let Us Give Thanks," *Copper Commando* 1, no. 7, November 20, 1942. http://digitalcommons.mtech.edu/copper_commando/9.

²⁶⁷ Basso, "Man Power," 200.

may have reduced violence among men in Butte. First, Butte men maintained a masculine hierarchy, which reinforced the elevated status of miners. Second, they successfully kept threats to white masculine privilege, including women and African Americans, out of the mines. Third, as the economy boomed, Butte men embraced older marks of manhood, including drinking and gambling.

Butte men perhaps turned less frequently to male-on-male violence because they were able to successfully maintain the prominent position of miners. In response to shifting masculine constructions, Butte's mining men, not wanting to appear cowardly or unwilling to soldier, successfully reasserted the peril and necessity of their own positions. The hierarchy within the mines remained rooted in physical strength, one's willingness to do the work and take risk.²⁶⁸ Miners constructed their work as the most difficult of all home front labor and that as such should guarantee them special recognition. The success of this narrative is evident in continued local acceptance of copper men's superior status. In 1943, residents gathered en masse at the "Meat for Copper Production" rally at the Fox Theater to argue that the government should provide miners with meat rations equitable to those soldiers received. Similarly, local men asked the federal government to issue miners certificates that recognized their labor as necessary to the war effort.²⁶⁹ Additionally, home front men worked hard to draw clear lines between their vital work and draft dodgers. Indeed, men who entered the industry after the onset of the war risked being labeled dodgers and drew special disdain from established Butte miners.²⁷⁰ To their contemporaries, new miners' decision to enter the industrial space over or opposed to

²⁶⁸ See Basso, *Meet Joe Copper*.

²⁶⁹ Basso, "Man Power," 124-125.

²⁷⁰ *Ibid.*, 190, 199, 200.

military service might have been read as cowardice and, therefore, may have implied that mining work was less challenging. In these ways, miners were able to assert both their manhood and patriotism and maintain the supremacy of their position.

For years, Butte's mining men had fought hard to maintain white working-class privilege and continued to successfully do so during WWII, which also may have diffused male-on-male violence. While millions of women and non-whites entered industrial jobs throughout the nation, Butte miners restricted both. Although the ACM hired women in office positions and in their Black Eagle refinery, the company, bosses, and miners agreed that most labor required for copper production was beyond the physical abilities of women.²⁷¹ Similarly, when the war department sent thirty-nine African American miner-soldiers to Butte, the white labor force walked off the job. Despite three weeks of negotiations and the presence of black troops in the city until early 1943, no African American soldier-miners ever sourced the copper rich hill in Butte.²⁷² Local responses to African American soldier-miners were so powerful that even the Roosevelt administration relinquished its push against home front racism in Butte.²⁷³ The fact that women and men of color entering the mines was a solution to increasing demands for copper that went without real consideration speaks to the success of Butte men in maintaining power in the local labor force.

Additionally, Butte men reinforced the manliness of their home front space by embracing the copper camp character with renewed fervor by returning to earlier forms

²⁷¹ Basso, *Meet Joe Copper*, 145.

²⁷² *Ibid.*, 160-161.

²⁷³ *Ibid.*, 182.

of masculine performance.²⁷⁴ Catering primarily to men, gambling, drinking, and prostitution worked their way back into Butte's nightlife.²⁷⁵ Butte men sought to promote their status by returning to the markers of manhood associated with earlier glory. This, did not manifest itself in the same violent ways it had two decades earlier when men were the primary targets of violent crime. Rather, the return to earlier masculine entertainment practices coupled with union recognition and the exclusion of non-whites and women successfully enough resisted threats to virility.

The violence that occurred during the postwar 1946 strike in Butte, similarly to the 1934 strike, demonstrates the changing practice of brutality in the city. The 1946 strike erupted alongside a series of labor actions nationwide. Despite the ACM's support of miners on some labor issues, including their assistance in blocking women and men of color from entering the mine, there was tension between the company and workers. This tension heightened during the war, when the company froze wages and extracted no-strike pledges from the union, and was exacerbated when veterans returned.²⁷⁶ Between April 12 and 14, 1946, a wave of destruction swept Butte, as strikers and union sympathizers took to the streets.

Utilizing the tactics deployed during the 1934 strike, picketers targeted ACM property and the homes of suspected scabs. The number and severity of domestic attacks, however, increased in 1946. The attacks during the "nightmarish orgy," according to the *Standard*, "reached a crest after dark on Saturday when terrified housewives bombarded

²⁷⁴ Mary Murphy, *Mining Cultures: Men, Women, and Leisure in Butte, 1914-1941* (Chicago: University of Illinois Press, 1997), 222.

²⁷⁵ *Ibid.*, 223, 220, 221.

²⁷⁶ Finn, *Mining Childhood*, 51; Basso, *Meet Joe Copper*, 272.

the police station and sheriff's office with calls for help."²⁷⁷ Whereas in 1934, picketers would intimidate and harass the families of strikebreakers with chants, their violence against property was, for the most part, limited to breaking windows and painting graffiti. In 1946, strikers amped up their use of destructive force. Picketers dropped their rocks and picked up axes and mallets. They entered homes, destroyed personal belongings, and drove families from their houses. Sarah Massey, who was five-years-old when strike violence broke out, recalled waking to the sound of breaking glass. Although her father, a mine supervisor, was away at work, a mob descended on her house. Once they gained entry into the home, they smashed dishes, destroyed or stole toys and clothing, damaged furniture, and rammed "a large steel beam through . . . [the] front window." Sarah's mother called the police, and when little help came, she stepped onto the front porch and fired a gun into the air in a failed attempt to subdue the crowd. Fearing for their lives, Sarah, her mother, and her sister Ruth fled to an uncle's house. Sarah, whose home was one of a dozen vandalized, spoke proudly of her mother: "I have always admired my mother for her bravery in trying to defend our home and protect Ruth and me."²⁷⁸

Historians have often highlighted the fierceness of the 1946 pickets. Matthew Basso describes it as "among the most contentious in the history of copper towns. Striking miners in Butte went the furthest, attacking Company property and the homes of residents they thought were scabs."²⁷⁹ Janet Finn explains, "the violence of the 1946 strike is firmly fixed in the local memory and recounted with a mix of bravado and

²⁷⁷ "Mobs Wreck Dozen Butte Homes, *Montana Standard*, April 15, 1946.

²⁷⁸ Sarah Massey, "My Memories of the Miner's Strike and the Destruction Done to Our House at 2213 Oak Street, Friday April 12 through Sunday April 14, 1946," Vertical File AW M008.001, Butte-Silver Bow Public Archives, Butte, Montana.

²⁷⁹ Basso, *Meet Joe Copper*, 272.

shame.”²⁸⁰ This understanding of the strike is not limited to hindsight, however. On April 29, 1946, *Newsweek* exclaimed that the violence “came as no surprise to citizens with long memories of Butte’s lusty mining-camp infancy. In its rip-roaring years . . . the Montana city had thrived on a diet of bullets and hand grenades.”²⁸¹

The 1946 strike certainly resulted in unprecedented swells in violence against property, as picketers targeted over a dozen homes between April 12 and 14. The severity of that violence too, had increased, as homes were ravaged both inside and out. Interpersonal violence, however, was significantly lower in 1946 than during any of the other strike years in the first half of the twentieth century. In 1914, violent crime rates reached 316 per 100,000. In 1917, they were 301 per 100,000, and 226 per 100,000 in 1934. In comparison, reports of violent crime in 1946 dipped to 136 per 100,000.

Despite a lull in physical violence, the cruelty of the 1946 strike, as evidenced above, has garnered special attention. This is likely because in addition to being more violent, young groups of people committed much of the very visible viciousness at a time when union support was dwindling nationally. A 1946 *Newsweek* article described packs of roving teens, purportedly paid by men, who embarked on their “orgy of destruction” with stone throwing, but quickly graduated to axes and clubs.²⁸² Similarly, the *Montana Standard* reported that “young hoodlums,” egged on by men, destroyed a dozen homes in the city and left two boys seriously wounded during “wild nights of terror [and]

²⁸⁰ Finn, *Mining Childhood*, 55.

²⁸¹ “Crime: Butte Bows Its Head,” *Newsweek*, April 29, 1946, Vertical File AWC050, Butte-Silver Bow Public Archives, Butte, Montana.

²⁸² *Ibid.*

lawlessness.”²⁸³ In fact, two teenage boys sustained two of the more severe injuries during the “reign of terror.” Fourteen-year-old Raymond Butala was riding home from the racetrack with his parents, “when a bullet crashed through the windshield of the car.” Butala lost partial vision when shards of glass and lead debris sliced through his eyes. In a second incident, an unknown assailant shot sixteen-year-old James Guidoni in the back while he and his friends were walking on Butte’s East Side.²⁸⁴ Although news reports in 1934 had also noted the presence of young people, their participation in these more severe attacks may have attracted more attention following WWII, when the fear of juvenile delinquency came to the forefront of people’s minds.²⁸⁵ Following *Newsweek’s* article on Butte was a discussion of juvenile delinquency, which authorities argued was “a chief by-product of war.” With fathers away at war and mothers in the factory, the belief prevailed that children were more likely to engage in criminal behavior.²⁸⁶ A fear of juvenile criminals and the attacks on domestic spaces likely enhanced local and national memory of the viciousness of the 1946 strike. Additionally, while the tendency for picketers to target property emerged during union actions in 1934, the 1946 Butte strike was one of many during the Great Strike Wave of 1945-46, which in a postwar world inspired a particular distaste for mob or riotous violence, resulting in stricter regulations on union activity following WWII.²⁸⁷

²⁸³ “Mobs Wreck Dozen Butte Homes,” *Montana Standard*, April 15, 1946.

²⁸⁴ Ibid.

²⁸⁵ Lawrence M. Friedman, *Crime and Punishment in American History* (New York: Basic Books, 1993), 449, 417.

²⁸⁶ “By-Product, Delinquency,” *Newsweek*, April 29, 1946, Vertical File AWC050, Butte-Silver Bow Public Archives, Butte, Montana.

²⁸⁷ See Irving Richter, *Labor’s Struggles, 1945-1950: A Participant’s View* (Cambridge: Cambridge University Press, 1994); “Board is Set Up in Steel Case,” *Montana Standard*,

While the organized attacks on homes throughout Butte in 1934 and 1946 were certainly about class, they also reflect larger violence trends. Unlike the strikes of 1914 and 1917, these strikes increasingly targeted private domiciles where women and children withstood the worst of the cruelty. The altered practice of strike violence in these years was emblematic of overall violence trends. Between 1919 and 1939, violence against women had steadily increased and the rates were comparable to the rates of male-on-male violence. In 1946, women were even more often the objects of male violence, and rates of abuse, like the violence of the strike, reached alarming levels. In 1946 alone, the brutalization of female bodies occurred at a rate of 202 per 100,000 while violence against men dwindled to 77 per 100,000. Many of the “attacks” women experienced in 1946 and throughout the decade, however, were not exclusively the result of strike violence.²⁸⁸

The unfortunate thing about the dominant narrative, then and now, is that it treated domestic attacks in 1946 as surprising and isolated bursts of violence, which were all the more despicable because they primarily affected women. In doing so, this narrative ignored the widespread and growing violence that women had come to experience on a daily basis in Butte. In both 1934 and 1946, the front page of local newspapers reported every detail of the mob violence. Indeed both strikes received national attention. All the while, the consistent and escalating, male-on-female brutality went unnoticed, or without comment. Even as the *Montana Standard* in 1946 declared,

January 1, 1946; “Another Strike is Threatened: Railroad Group to Walk Out Sunday,” *Montana Standard*, January 5, 1946; “Inside Washington,” *Montana Standard*, February 26, 1946. This article discusses anti-strike legislation debates in the House and Senate.²⁸⁸ In the 1910s, the average rate of violence was 151 per 100,000. In the 1920s, it was 198, and in the 1930s, it was 122.

“Women and children were safer on the hilly streets of their rollicking community and in their tumble-down or pretentious home than in any other city of the land,” women in Butte were in the midst of an ongoing battle.²⁸⁹

The complicated array of correlates that came together in the 1940s might help explain growing rates of violence against women in this period. Although Butte women remained out of the industrial workforce, Butte men struggled against a national narrative that identified the WWII home front as a female space. As such, men may have turned to violence against women as a way to underscore gender differences and to reinforce power. The booming rates of male-on-female violence may have also been the product of Butte men’s inherited generational violence--violent practices learned and passed down from one generation to another. Additionally, the War Department’s efforts to recast military actions as erotic adventures aided in producing a myth of virile triumph and consent, reinforcing a masculine right to sexual conquest at home and abroad. Butte men’s demands for equal access to the masculine recognition soldiers received – increased meat rations, service cards, and women’s bodies – coincided with unprecedented swells in brutality against female bodies.

In Butte, despite the union’s success at keeping women and non-whites out of the mines, the stability of home front masculinity required clear distinctions between sexes. As such, the strict lines drawn between genders across the nation were of the utmost concern in Butte. Even as social, political, and economic avenues for women opened, women were often reconstructed as frail, beautiful, and maternal. When a 1942 cover of

²⁸⁹ “Crime: Butte Bows Its Head,” *Newsweek*, April 29, 1946, Vertical File AWC050, Butte-Silver Bow Public Archives, Butte, Montana.

the *Commando* featured Virginia Hall, a native of Montana serving in the Women's Auxiliary Army Corps, the editor enthusiastically exclaimed, "that it was high time we had a picture of a good looking girl on the cover."²⁹⁰ The underestimation of the female sex was likewise central to the publication's discussion of factory women. A page spread dedicated to women in industry noted that while some women brought useful skills to the job, most others had had no training, but "the government was amazed to see how fast they caught on."²⁹¹

Publications, including the *Commando*, likewise constructed motherhood and family as central to femininity. Indeed, following the depression, when marriage and birth rates dropped, the dream of replenished families became central to American ideals.²⁹² In November 1942, Shirley McKinnon wrote to the *Commando* suggesting that the publication dedicate space to a family page, where "recipes and household hints" would be the subject of discussion.²⁹³ These installments, as McKinnon had predicted, were of great interest to readers. In line with the massive ad campaign the U.S. War Department launched, staff at the newspaper filled its pages with articles and images that

²⁹⁰ Victory Labor-Management Production Committees of Butte, Anaconda, and Great Falls, "Front Cover Gal," *Copper Commando* 1, no. 8, December 4, 1942. http://digitalcommons.mtech.edu/copper_commando/10.

²⁹¹ Victory Labor-Management Production Committees of Butte, Anaconda, and Great Falls, "The Gals Got Busy," *Copper Commando* 1, no. 10, January 1, 1943. http://digitalcommons.mtech.edu/copper_commando/12; also see, Nancy A. Walker, ed. *Women's Magazines 1940-1960: Gender Roles and the Popular Press* (Boston: Bedford/St. Martins, 1998); Roland Barthes, "Myth Today," in *Cultural Theory and Popular Culture: A Reader*, ed. John Storey (Edinburgh Gate: Prentice Hall, 1998), 109-118.

²⁹² May, *Homeward Bound*, 58.

²⁹³ Victory Labor-Management Production Committees of Butte, Anaconda, and Great Falls, "Readers Write," *Copper Commando* 1, no. 7, November 20, 1942. http://digitalcommons.mtech.edu/copper_commando/9.

encouraged separate spheres and mythologized a “traditional” family.²⁹⁴ In Butte, where home front men struggled to assert superiority, these messages were perhaps more important to reinforcing gender distinctions. Montana publications encouraged women to stay at home, where the continuation of their “natural duties” would more successfully support the war effort. The city asked women to maintain victory gardens, keep families well fed, and provide a refuge from the difficulties of mining and industry.²⁹⁵ Even in 1942, when the Butte city government applied for funds through the Lenham Act, which provided financial aid to day-care programs so women could more easily fill industrial positions, they did so to counteract the ““over crowded conditions in homes, where fathers cannot have proper rest, thereby causing a slowing down of the production of essential war materials.””²⁹⁶ Additionally, the *Commando* reminded readers that even when local women did pick up the tools of industry, their jobs were much less strenuous than those of men.²⁹⁷ While these themes were not unique to Butte, in the copper city, where strict gender differentiation was necessary to maintaining white masculine privilege, the abuse of women became more frequent. Male-on-female violence in Butte during the 1940s may have functioned as a tool to reinforce gender difference and male power.

Wife assault, similarly to the 1910s and 1920s, accounted for the majority of male-on-female crimes in the 1940s. In fact, the decade rate of wife assault was 124 per 100,000. While court and death records documented very few specifics about wife assault

²⁹⁴ See Terrence H. Witkowski, “World War II Poster Campaigns: Preaching Frugality to American Consumers,” *Journal of Advertising* 32, no. 1 (2003): 69-82.

²⁹⁵ Basso, “Man Power,” 206.

²⁹⁶ Basso, *Meet Joe Copper*, 150.

²⁹⁷ Basso, “Man Power,” 206.

cases in the 1940s, it appears that the characteristics of the abuse, aside from the higher rates, were similar to earlier decades. Men continued to abuse women with their fists or domestic tools (i.e. furniture and kitchen utensils).

Like rising rates of wife assault, wife homicide, too, was startlingly high in the 1940s. In fact, the decade average of wife homicide was 8 per 100,000. As in earlier periods, the immediate motives for violence varied from case to case. On November 27, 1944, for example, the police received a call from fifty-six-year-old Dominick Bracco, informing them that he had just killed his fifty-three-year-old wife, Mary. At about 3:30 that afternoon, Mary was working in the kitchen preparing the evening meal, when Dominick approached her from behind. Gripping the handle of a small axe, he delivered a fatal blow to her head.²⁹⁸ When under sheriff William Dee arrived on the scene, Dominick greeted him at the door, calmly invited him in, and led him to his wife's body. "You always kill the ones you love most," he uttered as he explained to Dee that he wanted to end Mary's suffering, and so he ended her life.²⁹⁹

Dominick's sudden violent outburst left friends and family bewildered. Italian immigrants, Mary and Dominick immigrated to the U.S. in approximately 1906, when they were fifteen and seventeen-years-old respectively. Upon their arrival, they headed directly to Butte, where Dominick found work as a carpenter in the mines. In 1913, Mary

²⁹⁸ "Mrs. Mary Bracco Dies of Wounds; Husband Assailant," *Montana Standard*, November 28, 1944.

²⁹⁹ *Ibid.*; "Transcript of Testimony taken at the inquest held over the dead body of Mrs. Mary Bracco, before Richard J. Rogers, Acting Coroner of Silver Bow County and a Jury of eight men at the Court House on the 29th day of November, 1944," *Coroner's Reports*, GR.CO.SB.004, Box 1 of 3, Bay 8B, Section 9, Shelf B, Silver Bow County Coroner, Butte-Silver Bow Public Archives, Butte, Montana, 11.

gave birth to the first of two children, Margaret.³⁰⁰ According to family and friends, the couple had lived happily together in their house on Leatherwood Street in Butte for thirty-eight years.³⁰¹ According to their daughter, Margaret Flemming, they had always gotten along well and Dominick had never shown signs of violence.³⁰²

Dominick's sudden move to murder, his cool demeanor when police arrived, and his insistence that he killed his wife in order to end her suffering suggests that he may have suffered from a mental illness. In fact, his state of mind was central to the coroner's inquest following Mary's death. Dr. Caroline McGill and Dr. P. E. Kane both testified that they had visited the Bracco home several times in the weeks leading up to Mary's murder. Bracco reported insomnia, and Kane testified that he appeared mentally unsound.³⁰³ Flemming, explained that her father suffered from severe pain in his feet and that for a time he was unable to walk. Later she testified, "he just complained generally feeling miserable feeling terrible unable to sleep, no appetite."³⁰⁴

Ironically, when Coroner Richard J. Rogers questioned Flemming about Dominick's reference to Mary's suffering—his self-identified motive for killing her—she explained that aside from worrying about her father, her mother had been well. Police arrested Dominick, and County Attorney Frank J. Roe charged him with murder.

³⁰⁰ "Mrs. Mary Bracco Dies of Wounds; Husband Assailant," *Montana Standard*, November 28, 1944; R.L. Polk and Company Directory, 1821-1989 Butte, Montana, Butte-Silver Bow Public Archives; 1920 U.S. Census, Meaderville, Silver Bow, Montana, pg. 19A, Dominick Bracco and Mary Bracco.

³⁰¹ Bracco, "Transcript of Testimony," 20.

³⁰² *Ibid.*, 19-20, 22.

³⁰³ *Ibid.*, 4-5, 6-8.

³⁰⁴ *Ibid.*, 17-20.

Following a sanity hearing, Judge J. J. Lynch committed Bracco to the state hospital at Warm Springs.³⁰⁵

Although individual cases demonstrate the uniqueness of immediate motives, the significant uptick of wife homicide rates requires that we consider what other factors may have driven men to excessive violence against women in the 1940s. The sharp increase in brutal acts against women may well have been the residual effect of early twentieth century civil unrest. In fact, combing wife homicide cases in Butte reveals striking similarities between assailants. Many of the men who killed their wives in the 1940s were middle-aged, worked in the mining industry, and had lived in Butte during the civil unrest of the 1910s. It seems then that much of the violence against women in the 1940s may have been the product of generational violence.

In a 1940 homicide/suicide fifty-three-year-old Philip Bersanti, a miner and Butte native, shot and killed his wife, Ann, and Mary Clark, his daughter's mother-in-law, before taking his own life. The *Montana Standard* reported that this incident was "the bloodiest [tragedy] Butte has experienced since the Christmas day mass murders of 1935," in which Henry Knight killed three men and held a family hostage in his attempt to murder his former lover Jean Miller.³⁰⁶ On September 10, 1940, Philip went to his daughter Gertrude Clark's house where he had lunch with Ann, Mary, and his seven-year-old granddaughter, Norma. After lunch, Ann tended to the ironing in the kitchen, and Philip joined Mary in the living room, where she worked on her afternoon sewing. Norma later described the scene as "peaceful." The adults chatted on and off while the

³⁰⁵ "Dominick Bracco is Committed," *Montana Standard*, December 13, 1944.

³⁰⁶ "Triple Tragedy is Discovered in Butte Home," *Montana Standard*, September 11, 1940.

radio played in the background. At around 12:30, Norma prepared to head back to school. Philip counted out three pennies for the little girl and her grandmothers, Mary and Ann, who followed her onto the porch to make sure she crossed the street safely, kissed her goodbye. The details of the next few hours are murky, as the next person to see Mary, Ann, and Philip was the Bersantis' seventeen-year-old son, Norman. When he returned from school that afternoon, he discovered Mary's body wedged up against the front door. His parents, Philip and Ann, were both dead in the kitchen. From what authorities could piece together, the members of the party had returned to their chores. Between Norma's departure and 1:20 in the afternoon, Philip turned the volume up on the radio and drew his .32 Smith and Wesson revolver. Mary appears to have leapt up from her sewing and run towards the front door before a shot splintered her chest, killing her almost instantly. Philip then headed to the kitchen where Ann had resumed ironing. Burn marks from the iron on Philip's sleeves suggested that she struggled against the attack. Her efforts, however, were futile against Philip's gun, which he held up to her chin and fired. Philip then placed the barrel in his mouth and ended his life with a single shot.³⁰⁷

Following the homicide/suicide, family, friends, and neighbors "said they feared the man and that he frequently exhibited a belligerent attitude toward 'anyone he couldn't bluff.'"³⁰⁸ In fact, Philip's life had been fraught, and he had a history of violence, abuse, and drunkenness. A miner and native of Butte, Philip had recently served one year of a two-year sentence for lewd and lascivious acts against a child. Released on September 8, just two days before the tragedy, his daughter, Gertrude and her husband, Thomas, barred

³⁰⁷ Ibid.

³⁰⁸ Ibid.

him from staying with the family, but told him he was welcome to take his meals at their house until he was settled. It appears that Philip had purchased the gun earlier that morning for the specific purpose of executing his wife and taking his own life.³⁰⁹

Newspaper reports also drew a frightening parallel between this homicide and Philip's brother Alfred's own violent outburst in 1928. In his late fifties, Alfred married a fifty-five-year-old woman, whom we only know as 'Catherine.' After only three months of marriage, Alfred left his wife and headed to California. On May 28, 1928, he returned to Anaconda, where Catherine had purchased a house, and attempted to rekindle their relationship. Rebuffed by Catherine, Alfred fired two shots into her chest, fatally wounding her. He then lay down on the floor next to his deceased wife, and pulled her head gently onto his shoulder. Cradling her in one arm, he aimed the gun at his own head, ending his life just as police burst through the door of the small, one-room cabin.³¹⁰

Many scholars have documented the role of generational violence in perpetuating a cycle of abuse. These scholars, however, tend to focus on assailants' history with interpersonal family violence. For example, sociologists Murray A. Strauss, Richard Gelles, and Suzanne K. Steinmetz's research shows, "the sons of violent parents have a rate of wife-beating 1,000 percent greater than that of sons of non-violent parents."³¹¹ While the family dynamics of Butte men who killed their wives is unknown, what is known is that these men likely witnessed and were affected by the civil unrest of the

³⁰⁹ Ibid.

³¹⁰ "Tragedy Here Recalls that Bersanti's Brother Killed Wife, Himself in Anaconda," *Montana Standard*, September 11, 1940.

³¹¹ Murray A. Straus, Richard J. Gelles, and Suzanne K. Steinmetz, *Behind Closed Doors: Violence in the American Family* (New Brunswick: Transaction Publishers, 2009), 101.

1910s. Indeed, Butte children would have observed much of the public male-on-male violence of the 1910s.³¹²

In the 1910s, the interwoven residential and industrial landscapes of Butte meant that the mine yards and the city's streets became playgrounds for Butte's children. Mine dumps were their toy boxes and gallus frames were their jungle gyms.³¹³ As such, the arenas where much of the male-on-male violence took place were also central to children's lives. Ray Wayrenen, who grew up in Butte in the 1910s, recalled that his father regularly sent him into the Broadway Saloon with twenty-five cents to buy him a "bucket of beer."³¹⁴ Other children helped their mothers run boarding houses that catered primarily to young, single miners.³¹⁵ Fights like the Armistice Day brawl (1918), in which a man was nearly beaten to death with brass knuckles and a bayonet, were observable realities for Butte children. Wayrenen also clearly remembered the military occupation and the violence of the strikes. On one particular occasion, he recalled a Finnish man rushing off the hill near East Broadway "with blood running down his neck from a bullet wound" he received in an altercation with the National Guard.³¹⁶

The effects of witnessed violence are evident in the ways children used violence among themselves in the 1910s. John Mazzola, who grew up on Butte's East Side, recalled getting into street fights with kids from other neighborhoods: "We had block fights, too, you know. We'd meet the kids from Dublin Gulch and fight with them. [We'd have] fistfights. But there was no animosity. Nobody kicked or anything like that. We

³¹² For more information on violence as a form of conflict resolution, see chapter three.

³¹³ Finn, *Mining Childhood*, 68, 137.

³¹⁴ *Ibid.*, 83.

³¹⁵ *Ibid.*, 80.

³¹⁶ *Ibid.*, 84.

were clean fighters.”³¹⁷ Mazzola’s interactions with violence, similar to the adults around him, sometimes occurred for no reason at all. Likewise, akin to the fighting among adults, Mazola recognized that particular rules of fairness governed the practice of brutality. Indeed, he and his friends “were clean fighters,” which was a mark of pride among Butte men and boys.

Economists Jose V. Gallegos and Italo A. Gutierrez identified a similar effect of civil unrest in their research on domestic violence in Peru. They discovered that individuals who grew up in spaces of brutal civil unrest were more likely to participate in family abuse. Basing their work on psychological scholarship that draws positive correlations between witnessed violence and the practice thereof, they support the idea that “violence is a learned behavior.”³¹⁸ They found that in instances of civil violence, like that experienced during the 1914 and 1917 strikes in Butte, individuals, including children, learn that violence is an acceptable problem-solving tool and incorporate that into their domestic spaces.³¹⁹ The effects of that violence, according to Gallegos and Gutierrez could last for generations. Repetitive acts of violence induce trauma, which

³¹⁷ Ibid., 79, 82.

³¹⁸ Jose V. Gallegos and Italo A. Gutierrez, “The Effect of Civil Conflict on Domestic Violence: The Case of Peru” (unpublished manuscript, Department of Economics, Syracuse University, Syracuse, New York, 2011).

http://jvgalleg.mysite.syr.edu/default_files/Research_files/Gallegos-Gutierrez%20%20Civil%20Conflict%20and%20Domestic%20Violence%20JDE.pdf, 3.

³¹⁹ Ibid. Also see Dominik Noe and Johannes Rieckmann, “Violent Behavior: The Effect of Civil Conflict on Domestic Violence in Columbia” (unpublished manuscript, Courant Research Centre Poverty, Equity and Growth, Universität Göttingen, September 19, 2013) http://www2.vwl.wiso.uni-goettingen.de/courant-papers/CRC-PEG_DP_136.pdf.

creates fear, irritability, and anger, which can manifest itself in violent outbursts, sometimes without warning, well into adulthood.³²⁰

Again, while individual perpetrators expressed varied symptoms and relayed varied immediate motives, the very high rates at which wife homicides occurred suggest that larger forces shaped the use of lethal force. Although there is no specific documentation recording the childhood experiences of Bersanti, or other lethal husbands, one can imagine that Bersanti who was born in Butte in 1887 likely witnessed and perhaps participated in the city's raucous violence during the 1910s. That both Bersanti brothers turned to wife homicide and suicide years later further illustrates the potential power of witnessed violence. Living in Butte in the early twentieth century, when civil violence in the form of labor struggle was at its peak, may have made them more likely to resort to wife assault and homicide even during periods of relative stability.

Men in Butte differed from soldiers in their experience of violence because they had not witnessed firsthand the atrocities of war. However, their increasing abuse of women may have been closely related to redefined female sexuality both domestically and abroad and the actions of soldiers around the globe. While, as art historian Maria Elena Buszek argues, the WWII pin-up "represent[ed] the nontraditional and self-aware sexualized female," which in many ways empowered American women, the U.S. military's use of the pin-up to recruit may not have been without other consequences.³²¹ Throughout WWII, the U.S. government promoted the objectification of female bodies.

³²⁰ Gallegos and Gutierrez, "The Effect of Civil Conflict on Domestic Violence," 11-12, 4.

³²¹ Maria Elena Buszek, *Pin-Up Grrrls: Feminism, Sexuality, Popular Culture* (Durham: Duke University Press, 2006), Kindle edition, location 3096.

Copies of *Life* and *Stars and Stripes*, featuring “pin-up” images of Rita Hayworth, Betty Gable, and others were readily available for public consumption among soldiers and soldiers of industry.³²² The aim of pin-up propaganda campaigns was in part to motivate and reward troops and to bill military actions as “erotic adventure[s].”³²³ In home front Butte, the focus of publications, like the *Commando*, on pretty girls in uniforms of service and industry participated in the hypersexualization of women and worked as tools to maintain hierarchies and promote gender difference.³²⁴

Likewise, images of soldiers kissing “liberated” women across Europe, including Ralph Morse’s “Soldier and Girl,” which was one of the most popularly circulated images of the 1940s, aided in producing a myth of virile triumph and female consent.³²⁵ While these images in many ways offended American moral codes, they simultaneously reinforced a masculine right to sexual conquest.³²⁶ In places like France, the objectification and eroticization of women, as Mary Louise Roberts uncovered, resulted in increased abuse of female bodies. Following D-Day, American GIs engaged in high rates of rape, which intensified during the summer of 1944.³²⁷ The U.S. government largely ignored accusations of increased sexual assault, fearing the repercussions from

³²² Joshua S. Goldstein, *War and Gender: How Gender Shapes the War System and Vice Versa* (Cambridge: Cambridge University Press, 2001), 332-402.

³²³ Mary Louise Roberts, *What Soldiers Do: Sex and the American GI in World War II France* (Chicago: University of Chicago Press, 2013), 8.

³²⁴ See Daniel E. Bender, “‘Too Much of Distasteful Masculinity:’ Historicizing Sexual Harassment in the Garment Sweatshop and Factory,” *Journal of Women’s History* 15, no. 4 (2004): 92-93; Roberts, *What Soldiers Do*, 61.

³²⁵ Roberts, *What Soldiers Do*, 68, 67, 62.

³²⁶ *Ibid.*, 73.

³²⁷ *Ibid.*, 1, 10.

American families, especially women.³²⁸ Ultimately, however, sex was central to the Normandy campaign, and following U.S. victory, the battle over who would police sexual behavior, the U.S. military or local French authorities, became intimately linked to struggles for sovereignty.³²⁹ At home and abroad, images of smiling women with flirty eyes paired with cheering female populations came to symbolize freedom and “what men were fighting for.” Simultaneously, these images produced and reinforced a narrative in which men would get the girl in the end by whatever means.³³⁰

Locally, nationally, and internationally soldiers’ right to sexual conquest was increasingly protected in the 1940s. In early 1946, the War Department placed the articles of war covering rape and murder on a peacetime basis, meaning that all soldiers charged with either crime were tried in civilian court, where the punishments for rape were less severe, rather than by military tribunal. All other crimes, however, remained under the provision of the articles of war.³³¹ Subsequently, facing harsh public criticism for the conduct of military courts during WWII, the War Department revised the articles. Fearing the unreasonably harsh, and, according to some critics, arbitrary punishments handed down by amateurs of the law, the public and members of the House looked to decrease the military’s maximum and minimum penalties in criminal offenses. Under the modified codes, rape convictions, which in military courts had previously carried a sentence of life in prison or death, aligned with civilian law and stipulated that sentencing be based on the

³²⁸ Ibid., 4.

³²⁹ Ibid., 7.

³³⁰ Ibid., 63, 66, 62, 60, 67.

³³¹ “Charges Placed on Peacetime Basis,” *Montana Standard*, March 2, 1946.

more lenient guidelines set forth by the criminal codes in the jurisdictions where the crime occurred.³³²

Butte residents would have been keenly aware of the debates surrounding the revised punishments for rape. An article printed in the *Montana Standard* in April 1946, was one of many that detailed the modifications to military codes. According to Representative Carl Durham, rape accusations and convictions were of special interest to the house subcommittee overseeing the changes. Committee members, the military, and the nation at large, believed that during WWII, ““Bringing charges of rape against American soldiers became a sort of racket among some portions of the populace in the European theater, and it is believed that numerous conviction[s] of innocent soldiers took place.””³³³ The removal of rape cases from military courts, the lighter punishments, and the claim that most rape accusations made against soldiers were false, evidences a desire to protect soldiers at home and abroad. Indeed military service seemed to grant men leniency in abusive situations and far too often service trumped criminal offenses.

A careful analysis of violence data in Butte and of military and civilian court responses to rape indicates that the role of sexual conquest was not unique to the Normandy campaign or assaults committed abroad. In fact, the decade average rate of rape in the 1940s was 31 per 100,000. This is the highest rate of rape during the study period. Furthermore, in the 1940s, Butte civilian courts at times granted leniency to

³³² “Courts Martial Legislation: A Study of the Proposed Legislation to Amend the Articles of War (H.R. 2575); and to Amend the Articles for the Government of the Navy (H.R. 3687; S. 1338),” *80th Congress 2nd Session, Senate Committee Print* (Washington: United States Government Printing Office, 1948), 10; “House Subcommittee Recommends Overhaul of Army Court Martial,” *Montana Standard*, April 22, 1946.

³³³ “House Subcommittee Recommends Overhaul of Army Court Martial,” *Montana Standard*, April 22, 1946.

soldiers charged domestically. On February 16, 1942, John B. Houchin registered for the draft.³³⁴ Born in West Virginia in 1898, Houchin likely moved to Butte when mining production amped up in the late 1920s.³³⁵ Houchin, who worked as a miner in the Mountain Con mine, was unmarried and had no dependants when he registered for the draft at the age of forty.³³⁶ Before the military finalized his enlistment papers in September 1942, however, the Butte County Attorney charged him with rape.³³⁷ Very few details about the crime exist. Court records do not even list the name of the complaining witness. What the records do reveal, however, is that the court postponed the investigation because of Houchin's active military status.³³⁸ In fact, there is no evidence that Houchin was ever brought to trial, in a military or civilian court, to account for his alleged crime.

The high rates of rape in Butte during the 1940s suggest that the state-sanctioned objectification, which offered unlimited access to female bodies as a reward for their military sacrifice translated to home front men, who believed themselves entitled to the same "benefits" as soldiers abroad. Although the military feared what might happen if American women were to learn of the violence soldiers perpetrated in France, women in the U.S., especially those in living in a space heavily populated by home front men, faced a similar predicament. As Matthew Basso has established, men in Butte worked hard to

³³⁴ "Additional Order Numbers Are Listed by Board No. 2," *Montana Standard*, April 3, 1942.

³³⁵ The first record of his residency is the 1929 Polk Directory.

³³⁶ R.L. Polk and Company Directory, Butte, Montana, John B. Houchin, 1929, 1940.

³³⁷ "Final September Draft Contingent Announced by Local Board No. 2," *Montana Standard*, September 20, 1942.

³³⁸ State v. John Houchin, *Record of Criminal Actions*, Justice Court, June 18, 1942, Vol. 38, pg. 82, Butte-Silver Bow Public Archives, Butte, Montana.

maintain status in light of the cultural shift to soldier as masculine icon. Moreover, home front men lived in a world where the sexualization of women provided a tool for maintaining hierarchies in the 1940s. High rates of male-on-female violence, especially rape, demonstrate that Butte men may have participated in violence against women as an extension of this expression.

While male-on-female violence rose, women were less likely to physically assault men or use lethal force in the 1940s than they had been in earlier decades. The rates of female perpetrated domestic homicides, for example, averaged 3 per 100,000 in the 1910s, 4 per 100,000 in the 1920s, and less than 1 per 100,000 in the 1930s and 1940s. Similarly, in the 1940s, female-on-male assaults were extremely low, averaging 7 per 100,000 for the decade. Although Butte women were always less violent than their male counterparts and while they rarely turned to lethal violence between 1910 and 1950, declining rates over the course of the study period were perhaps the product of growing access to divorce and economic opportunities.

That is not to say that it was easy for women to escape abusive relationships in the 1940s. Hazel Lee, whose story opened this chapter, for example, had planned to leave her husband, Leslie, after years of abuse. While it is uncertain what her occupation was, Hazel reported in the 1940 census that she worked twenty-four weeks in 1939. Her attempts to separate herself from Leslie suggest that her job may have supplied her with enough economic independence to risk divorce with four young children, Dorothy, Josephine, Lessie, and Darlene, between the ages of two and seven. The first time she

tried to leave, however, Leslie threatened to kill their children.³³⁹ Despite economic resources, Hazel was unable to escape. Moreover, the Lees had only recently moved to Butte from Waterproof, Louisiana.³⁴⁰ In fact, they had spent most of their lives on the banks of the Mississippi River. Born in Mississippi, Leslie and Hazel were married in 1932 in Vidalia, Louisiana.³⁴¹ A metal mine worker, Leslie likely moved his family to Butte for work in 1938.³⁴² Hazel was twenty-four and the mother of three small children when she made the move, and she gave birth to her fourth daughter shortly after their arrival. It is likely that young Hazel, in a new city far removed from family and friends, did not know where to turn for assistance or refuge. Indeed, she was only able to successfully file for and receive a divorce on January 29, 1940, after Leslie was arrested and incarcerated for stabbing James Slatton.³⁴³

When women were unable to leave, they sometimes turned to lethal resistance and sometimes suffered dearly for their actions. Marion Elizabeth (McPhaill) Cole sat quietly in the small room off the Matron's office in the Butte county jail as Al Gusdorf, a local photo shop owner, snapped pictures of her bruised face. The sunlight had likely faded and the cold of the February night settled in when Dr. Joseph Kane entered.³⁴⁴ Cole winced as the doctor examined the fresh bruises on her arms and a bump on her head.³⁴⁵ He noted the laceration under her right eye, the scratches on her face, and the bruises on

³³⁹ *Lee*.

³⁴⁰ Butte, Montana, 1940 U.S. Census, population schedule.

³⁴¹ *Lee*; Butte, Montana, 1940 U.S. Census, population schedule.

³⁴² Butte, Montana, 1940 U.S. Census, population schedule.

³⁴³ *Lee*.

³⁴⁴ *State of Montana v. Marion Elizabeth Cole*, February 6, 1948, District Court Second Judicial District, County of Silver Bow, register/case no. 7971, Butte-Silver Bow Public Archives, Butte, Montana.

³⁴⁵ "Mrs. Cole's Fate Deliberated by Murder Jury," *Montana Standard*, March 12, 1948.

her abdomen. He also observed the evidence of old wounds. Her nose had been broken and her skull fractured.³⁴⁶ Marion, fifty-three, and Charles Cole, a sixty-three-year-old Butte miner, had lived together at her home on Princeton Street in Butte for two and a half years.³⁴⁷ What precisely led up to the lethal altercation is unknown, but on the evening of February 6, 1948, Marion fired a .45 slug into Charles's chest. She immediately notified authorities who retrieved Charles from the home and delivered him to the hospital where he died three hours later. Police arrested Marion in her home and held her at the county jail in Butte.³⁴⁸

On March 1, 1948, in a courtroom that would remain crowded with curious onlookers throughout the duration of the trial, Cole pled not guilty to homicide.³⁴⁹ Newspaper reports described her as showing little emotion during the preliminary hearing. She stood resolutely in "overalls, a faded brown knitted skirt and a gray coat," when the judge fixed her bond at \$15,000, an amount she was unable to pay.³⁵⁰ Much of the defense, which Joseph J. McCaffery led, focused on the abuse Cole had sustained the night of the shooting.³⁵¹ Despite McCaffery's argument for self-defense, however, Judge T. E. Downey refused to deliver "instruction forty-two," which spoke to the possibility that Cole had committed the crime in self-defense, to the jury. The instruction explained,

³⁴⁶ *Cole*.

³⁴⁷ "Charge of Murder Filed Against Butte Woman in Fatal Shooting," *Montana Standard*, February 8, 1948.

³⁴⁸ *Ibid.*; "Mrs. Cole's Fate Deliberated by Murder Jury," *Montana Standard*, March 12, 1948.

³⁴⁹ "Mrs. Cole's Fate Deliberated by Murder Jury," *Montana Standard*, March 12, 1948; *Cole*.

³⁵⁰ "Charge of Murder Filed Against Butte Woman in Fatal Shooting," *Montana Standard*, February 8, 1948.

³⁵¹ "Mrs. Cole's Fate Deliberated by Murder Jury," *Montana Standard*, March 12, 1948.

“Although you may believe beyond a reasonable doubt from the evidence that the defendant shot . . . Charles Cole . . . if you believe from the evidence that she did believe that said Charles Cole was then about to inflict upon the defendant death or great bodily injury, then the shooting was justified.”³⁵² After seven days of testimony, a jury of seven women and five men found her guilty of second-degree murder and sentenced her to ten years in the Montana State Prison.³⁵³ Her sentence commenced on April 2, 1948.³⁵⁴

Cole and McCaffery immediately filed a motion for a new trial, which the court initially denied.³⁵⁵ The expense of filing motions was financially difficult for Cole. Her late husband’s estate reverted to the state, and after her sister-in-law and a local farm hand died of carbon dioxide poisoning in her home, her house was boarded up, leaving her with few financial resources.³⁵⁶ With McCaffery’s assistance, Cole took a pauper’s oath so that the county would assist her in paying for copies of trial documents for her continued appeals. The work of Cole and McCaffery eventually paid off. After serving two years, the governor of the State of Montana, John W. Bonner, commuted her sentence to five years, and the parole board released her on October 18, 1950. Following good behavior, the State of Montana terminated her sentence on March 12, 1951.³⁵⁷

While there is no record of Bonner’s reason for altering Cole’s sentence, it is likely that evidence of abuse, which suggested the murder was in self-defense, was the cause. The

³⁵² *Cole*.

³⁵³ “Mrs. Cole’s Fate Deliberated by Murder Jury,” *The Montana Standard*, March 12, 1948; *Cole*.

³⁵⁴ *Cole*.

³⁵⁵ *Ibid*.

³⁵⁶ “Murdered Man’s Estate to Revert to State,” *The Montana Standard*, December 20, 1949; “Princeton Avenue ‘House of Death’ Boarded Up at Request of Owner,” *Montana Standard*, February 26, 1948.

³⁵⁷ *Cole*.

refusal of Judge Downey to deliver instruction forty-two and the appeal's focus on Dr. Kane's testimony regarding the condition of Cole the night of the homicide likely swayed Bonner.

The rates of violence in Butte during the 1940s show an important inversion of brutal practices among the city's men. They illustrate that men in the 1940s were much more likely to target women than men. The inversion of violence practices correlated with economic, social, and cultural factors that may have mitigated male-on-male abuse while antagonizing male-on-female violence. Indeed, Butte men's ability to maintain an elevated manhood even as the soldier emerged as the new masculine ideal may have alleviated the need for force among men. Conversely, men may have more frequently targeted female bodies as a way to reinforce gendered power in a home front space. Indeed, the ever increasing rates at which women faced violence over the course of the twentieth century challenge notions of simple progress. To argue that wife assault or violence against women has been a despised practice is at odds with empirical data collected for Butte, which demonstrate an increase in violence against women over the course of the twentieth century. While the public has at times viewed the abuse of female bodies as detestable, it no less functioned as a proof of masculinity.

‘INSANE LOVE’: CONSTRUCTING VIOLENCE
AGAINST WOMEN IN THE PRESS

On the evening of May 5, 1917, an argument between Annie Forbes and her husband John turned violent. Terrified, Annie and her mother Mrs. Supan fled to the front lawn of the Forbes’s home on South Idaho Street. John followed and ordered Annie back into the house. Before she reached the front door, he drew a .38 and shot her three times. Two bullets pierced her side, and one, the fatal shot, entered the back of her head. Supan screamed in horror and ran back towards the house and the body of her daughter. John then turned the gun on her. Firing once, the bullet hit Supan, who sank to the ground and watched as John reentered the home. There he fired a final shot into his own head. Supan, who survived the shooting, was rushed to the hospital where she was unable to recount more than, “‘He wasn’t drunk, he must have been crazy.’” John, who died shortly after turning the gun on himself and before regaining consciousness, never identified his motive.³⁵⁸ The following morning, however, on May 6, 1917, the headline in the *Butte Miner* proclaimed, “Mad Jealousy is Thought to be Motive for Tragedy: Spouse Slain First After Which Madman Turns Gun on Himself.”³⁵⁹

Just over a year later on May 16, 1918, Daisy Bray and her three children met Kay Showers at his office at the Riddle Paint Company on West Park for an afternoon at the Broadway Theater.³⁶⁰ As the party made their way to the corner of Park and Montana

³⁵⁸ “Mad Jealousy is Thought to be Motive for Tragedy,” *Butte Miner*, May 6, 1917.

³⁵⁹ *Ibid.*

³⁶⁰ “Jealous Husband Kills Escort,” *Butte Miner*, May 17, 1918; Butte-Silver Bow County, Montana, Death certificate no. 23643 (1918), Kay S. Showers, Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana; “Jealous Man Kills Escort,” *Butte Miner*, May 17, 1918.

Streets, an extremely crowded intersection, Martin Bray, Daisy's ex-husband, stepped off the curb, "in order to draw a better bead on his victims in the passing throng of strollers and theatergoers." When the revolver, in the hands of the "frenzied man" first "spoke" it "pierc[ed] the heart" of Showers. "Two other flashes," aimed at Daisy, "found their mark and buried . . . in her right temple and left shoulder." That was when Martin, "before onlookers could grasp his arm, pressed the gun to his head," sending a bullet "crash[ing] entirely through his skull."³⁶¹ The gunshot to the heart killed Showers instantly, but Daisy lived for ten days before the bullet that severed her fifth and sixth vertebrae took her life.³⁶² Martin was rushed to the hospital, where "before he was given the anesthetic police officials questioned him regarding the shooting. He, however, refused to utter a word concerning his action." The following morning, the front page of the *Butte Miner* ran a headline reading, "Jealous Husband Kills Escort of Divorced Wife, Dangerously Wounds Her and Shoots Himself."³⁶³

Although the decade rate of wife homicide in the 1910s was the lowest of the study period, averaging 4 per 100,000 people, a number that would double by 1950, wife homicides steadily increased between 1915 and 1918, peaking in 1917 at 10 per 100,000. As these crimes became more numerous, the media narrated them with startling consistency. Butte headlines repeatedly turned to "Jealousy Cause," "Mad Jealousy," and

³⁶¹ "Jealous Husband Kills Escort," *Butte Miner*, May 17, 1918.

³⁶² "Mrs. Bray Loses Fight for Life," *Butte Miner*, May 27, 1918; Butte-Silver Bow County, Montana, Death certificate no. 23658 (1918), Daisy Bray, Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana.

³⁶³ "Jealous Husband Kills Escort," *Butte Miner*, May 17, 1918.

“Jealous Husband” to account for the monstrous actions of husbands or ex-husbands.³⁶⁴

In the 1910s, jealousy became the dominant narrative through which the city’s media reported wife homicides.

This narrative begs attention. It reveals as much about social concerns over marriage and cultural interpretations of wife assault/homicide as it does about the crimes themselves. Jealousy, as an explanation and justification, is historically constructed and more or less accepted at particular times depending on beliefs about marriage, fidelity, and love. In the early twentieth century, even as wives gained rights, a desire to maintain “traditional” marriage remained. Identifying jealousy as the primary motivating factor engendered sympathy for the offenders. They were the victims of unfaithful women who challenged not only their individual marriages, but monogamous marriage itself. In this way, the narrative reflected and reinforced cultural values in which the supposition of infidelity legitimized the use of force. Initially functioning as a cautionary tale, the jealous husband narrative became more than a media produced storyline. It became a legal defense for the crime itself. Within a larger system, in the early twentieth century, the jealous husband narrative illustrates the persistence of an ideal patriarchal marriage and the solidarity of men – lawyers, judges, jurors, and journalists – who together worked to publicly define what their relationships with wives were in the face of expanding rights for women.

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³⁶⁴ See also, “Jealousy Cause of Double Killing, *Butte Miner*, April 20, 1917 and “Mad Jealousy is Thought to be Motive for Tragedy, *Butte Miner*, May 6, 1917.

While previous chapters scrutinized the gendered nature of violence and examined the social, economic, and cultural forces that coincided with swells in certain forms of brutality, this chapter is concerned with the ways in which contemporaries responded to and interpreted those crimes. In order to examine public perception, this chapter relies on Butte newspapers. Specifically it draws on accounts of wife homicides, syndicated serials, and articles related to divorce and marriage. In the 1910s, the two most prominent papers in Butte were the *Anaconda Standard* and the *Butte Miner*. Both papers were widely circulated and read among Montana citizens. Indeed, the *Anaconda Standard*, founded by Marcus Daily, was a preeminent Montana paper. Likewise, William Clark's the *Butte Miner* was the state's leading daily and Butte's principal Democratic voice. On par with publications out of New York and Boston, the professional journalists and talented artists brought news from around the world to local readers.³⁶⁵

Although the Bray and Forbes cases, which opened this chapter, did not receive national attention, they were of great local interest. Butte papers published updates about the condition of the victims and details from the coroner's inquests in the months following the shootings. The appeal of these stories and the wide readership of the local papers, make them ideal sources for parsing public views on violence. Indeed, newspapers provide a window through which scholars can ascertain and examine beliefs and attitudes. According to Vincent F. Sacco, media reports reflect and reinforce public perception by "provide[ing] an important forum in which private troubles are selectively

³⁶⁵ See Dennis L. Swibold, *Copper Chorus: Mining, Politics, and the Montana Press, 1889-1959* (Helena, Montana: The Montana Historical Society Press, 2006).

gathered up, invested with a broader meaning, and made available for public consumption.”³⁶⁶ The “causes” and “motivations” that explain violent acts are, therefore, historically contingent. Three striking features characterized the wife homicides of the 1910s. In the majority of cases, there was a history of abuse. In most, the man and woman were legally divorced and/or living apart. Lastly, the crimes were often homicide/suicides, so the perpetrators themselves did not identify jealousy as their motive.³⁶⁷ Mrs. Supan, Annie Forbes’ mother, was the only individual directly involved with either crime that spoke about the shooting before the first accounts of the crimes hit the papers, and she was unable to utter more than, ““He wasn’t drunk, he must have been crazy.””³⁶⁸ The facts and theories of these crimes, then, were quite literally “gathered up” and imbued with meaning. Moreover, the Brays had divorced in December 1917—months before the murder occurred. The jealous husband narrative, however, assumes that although they had dissolved their marriage, he still had a reasonable claim to her fidelity.

A close reading of Butte articles reveals that in early twentieth century jealousy was rooted in a desire to protect one’s family and/or driven by unrequited love. Rather than manifesting itself in sudden ways, however, a man’s level of jealousy revealed itself

³⁶⁶ Vincent F. Sacco, “Media Constructions of Crime,” *American Academy of Political and Social Science* 539 (1995): 142. Also see Cecelia Baldwin, “The Development of Rhetorical Privilege in the News Reporting of Violent Crime,” *Race, Gender, and Class* 8, no. 4 (2001): 8-19.

³⁶⁷ “Mad Jealousy is Thought to be Motive for Tragedy,” *Butte Miner*, May 6, 1917. “Jealousy Cause of Double Killing,” *Butte Miner*, April 20, 1917. “Jealous Husband Kills Escort of Divorced Wife, Dangerously Wounds Her and Shoots Himself,” *Butte Miner*, May 17, 1918.

³⁶⁸ “Mad Jealousy is Thought to be Motive for Tragedy,” *Butte Miner*, May 6, 1917.

in mounting tendencies towards violence and domineering behavior. In fact, the media often put forth a history of violence as evidence of men's desperate attempts to secure love. After failing, men were ultimately moved to frenzied and lethal rage. Articles reporting on the Forbes and Bray homicides, for example, highlighted that John and Martin suspected their wives of cheating and, driven by love, turned to violence.

The Forbes' home on South Idaho Street became a common stop off for Butte police, who regularly responded to disturbances there.³⁶⁹ Officer Koskella explained to press agencies that John's abuse generally stemmed from arguments over Annie's relationships with other men. Moreover, he implied that John abused in order to protect the unity of his family. According to the local press, in the months preceding her death, John suspected that Annie was involved with a local man named John Cannon. His violent responses to Annie's perceived infidelity started with abuse and escalated when he threatened her life in March of 1917. Outside of the home, he attacked Cannon with a knife. He "justified the assault . . . by declaring that Cannon was attempting to win the affections of his wife." Ultimately this violence climaxed on May 5, 1917, when John drew his .38 and fired three bullets into Annie's body before taking his own life. The papers lamented that John's pain, caused by his wearisome marriage and revealed in his repeated acts of aggression, only ended when he finally turned the gun on himself.³⁷⁰

Similarly, Bray's increasing anxiety, jealousy, and violence in the months preceding the shooting were, as his friends and the newspapers understood it, a sign of his deep love. Men associated with Martin reported that he grew jealous of Daisy and

³⁶⁹ Ibid.

³⁷⁰ Ibid.

had often suspected her of being with other men. The extreme anxiety over losing her caused him to take legal and vicious measures. He had previously filed a formal complaint against another local man whom he accused of “paying attentions to his wife.” On another occasion, he threatened a streetcar driver, claiming that the man was at fault for his “family troubles.” Papers suggested that a romantic relationship had developed between Kay Showers and Daisy. They were also careful to point out that the men had been friends, underscoring the depth of pain Martin likely experienced. After his divorce from Daisy, Martin confronted Showers at the Council Saloon in Butte and a fight broke out between them. Following this incident, according to the *Butte Miner*, Martin purchased a gun and planned the May 16, 1918, shooting.³⁷¹ For reporters and Martin’s friends, his domineering and increasingly volatile behavior evidenced a man deeply in love. In the early twentieth century, the law and public opinion upheld a man’s right to assert his possession of his wife.

Indeed, the acceptability of the jealous husband narrative as justification for violence and the tools deployed to engender sympathy for offenders are as contingent on larger beliefs about marriage and fidelity as they are on jealousy itself. In the late nineteenth and early twentieth century, women’s rights within the institution of marriage had significantly expanded. The common law practice of coverture dissolved and women gained independent legal personas and increased rights to property and income. Divorce was a more common practice for women and men, and in many ways viewed as a reasonable response to a marriage in which one or both parties failed to uphold their obligations to one another. Nonetheless, despite, or perhaps because of, increased gains

³⁷¹ “Jealous Husband Kills Escort,” *Butte Miner*, May 17, 1918.

for women during this period, U.S. law and custom remained guarded in their approaches to and interpretations of the institution of marriage. In 1904, for example, the U.S. Supreme Court in *Tinker v. Colwell* upheld a husband's right to seek damages from his wife's lover, reinforcing a husband's control over his wife's body.³⁷² An analysis of Montana laws regarding marriage further demonstrates that even as the state extended rights to women, the legal protection of a husband's position within the institution remained intact. For example, Montana adopted the "Married Women's Act in 1895," which extended women's citizenship rights in granting them limited property rights, access to courts, and the ability to independently enter into contracts. Lawmakers, however, permitted these rights with a view not to "disturb marital unity otherwise."³⁷³

The inclusion of the phrase, not to "disturb marital unity otherwise" reflects two primary concerns over marriage in the early twentieth century. First, it allowed the state to extend rights to women while maintaining the power relationships associated with "traditional" monogamous marriage. Montana State Law, for example, maintained a man's supremacy in marriage, in part, by enforcing men's role as provider and women's as dependant. Into the second half of the twentieth century, the husband was legally recognized as the head of the household, and, as such, had "a legal duty of supporting his wife." Simultaneously, while Montana granted wives some economic latitude, the law stipulated, "the services which a wife owes her husband do not create for her a joint interest in his estate," effectively protecting a man's assets from his wife, ensuring him

³⁷² Nancy F. Cott, *Public Vows: A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000), 160; *Tinker v. Colwell*, 193 U.S. 473 (1904).

³⁷³ Montana Rev. Code Ann. § 36-101 (1959).

greater economic control.³⁷⁴ Second, this phrase reflected the hesitancy of lawmakers to interfere with the private institution of marriage.³⁷⁵ The role of the state in marriage had always existed on unstable ground. The definition of marriage as a civic institution and the belief that marriage was better left to the parties involved created an uneasy tension. Throughout American history, lawmakers have bolstered court decisions and legislation with one or the other argument.³⁷⁶ Noninterference, however, often reaffirmed marital hierarchies, and in the early twentieth century provided men an extra-legal right to abuse.

Cases, like Forbes's underscore the tension between expanding rights for women and the maintenance of an older system. In hesitating to intrude in the Forbes' marital disputes, state authorities allowed for the continued abuse of Annie and reasserted John's position within the institution. Although Forbes had a long history of abusing Annie, Butte officials repeatedly granted him leniency. On March 26, 1917, John "assaulted her [Annie] with a razor." Although Annie filed a formal complaint with the justice court, County Attorney Joseph R. Jackson dismissed the charge, and John was free to return to the Forbes home.³⁷⁷ On another occasion, Officer Koskella responded to a call that John was once again abusing Annie. When Koskella arrived at the Forbes home, John, holding a razor to his throat, exclaimed that he would rather die than go to jail. Annie and her

³⁷⁴ Montana Rev. Code Ann. § 36-103 (1959).

³⁷⁵ Cott, *Public Vows*, 162.

³⁷⁶ For example, laws banning miscegenation and polygamy asserted the state's power to define marriage. Simultaneously, lawmakers often called on the sanctity of marriage in order to defend non-interference. In *Thompson v. Thompson* (1911), for example, the court denied a wife's right to file tort suits against her husband in instances of abuse, fearing that this would unnecessarily bring spousal spats into the public sphere. See Cott, *Public Vows* and Hendrik Hartog, *Man and Wife in America: A History* (Cambridge: Harvard University Press, 2000).

³⁷⁷ *State of Montana v. John Forbes*, *Records of Criminal Actions*, Justice Court, March, 26, 1917, Vol. 10, pg. 49, Butte-Silver Bow Public Archives, Butte, Montana.

children intervened, and Koskella agreed not to arrest him if he “promise[d] not to make any more trouble.”³⁷⁸ Although authorities reported responding to the Forbes’ home regularly, the only formal criminal charge brought against John for wife assault was following the March 26, 1917 incident. While the law and public opinion had abandoned the idea that a man had the right to physically correct his wife at will, both agreed that marital disputes were better left private, informally protecting men’s rights to abuse. In fact, this belief was even evident when John took his domestic concerns onto the streets of Butte. In early 1917, John attacked John Cannon with a knife. Cannon filed first-degree assault charges against John, but before the case went to trial, the county attorney dismissed all charges and simply cautioned him “to keep better control of his temper.”³⁷⁹ In dismissing the charges, the county attorney provided legal recognition of a husband’s rights to hid wife’s body and control over her sexuality.

The very presence of the jealous husband narrative established that if readers were to sympathize with John, they were to understand Annie as at fault for her own death. While the papers provided very few concrete facts about any of the murdered women, in supplying facts about their husbands and the pain and jealousy that had driven them to kill, women’s role in their own deaths became clear. Ironically, the fact that Annie had not divorced John likely solidified this narrative in Butte readers’ minds. Rates of divorce in early twentieth-century Montana, compared to other states, were high.³⁸⁰ The common practice and acceptance of divorce in Butte is evident in the regularity with which

³⁷⁸ “Mad Jealousy is Thought to be Motive for Tragedy,” *Butte Miner*, May 6, 1917.

³⁷⁹ *Ibid.*

³⁸⁰ Paula Petrik, “If She Be Content: The Development of Montana Divorce Law, 1865-1907,” *Western Historical Quarterly* 18, no. 3 (1987): 262, 264.

newspapers printed details regarding the divorce actions. For example, “Divorce Actions Occupy[ed] the [local] Court,” explained that Sarah Duggan filed for divorce from John Duggan charging him “with possessing an ungovernable temper.” Walter Goodland divorced his wife Pearl after she deserted him, and Arthur William Jordan divorced Irene after he discovered letters she had exchanged with another man.³⁸¹ Still other Butte couples filed actions against spouses for extreme cruelty, habitual drunkenness, and failure to provide.³⁸² The general acceptance of divorce in Butte is perhaps most evident in the lighthearted ways in which it came to be discussed. In 1914, for example, the Florence Garment Store used divorce to advertise their spring sale. Setoff with a thick black border, beneath the headline “Divorce” was a short poem:

A man did sue for a ‘divorce’/And when it came to trial/ The man’s complaint ‘extravagance’/ Did cause the wife to smile./ The ‘Judge’ did listen to ‘both sides,’/ He then made up his mind./ And gave to them ‘conclusions’/ What the court did really find./ He said this wife was ‘saving’/ For she saved a THIRD or more/ On her SPRING SUIT, COAT, DRESS and WAIST/ At the FLORENCE GARMENT STORE./ 107 W. Broadway, opp the Public Library.³⁸³

Across the nation, divorce became a more acceptable way to escape unhappy marriages.³⁸⁴ In fact, the U.S. Supreme Court and jurisdictions across the nation tended to believe that divorce was the best option for an abused woman. In the U.S. Supreme Court case *Thompson v. Thompson* (1911), the court denied a wife’s right to file tort suits against her husband in instances of abuse. Fearing that this would bring spousal spats unnecessarily into the public sphere, justices implied that divorce was the appropriate

³⁸¹ “Divorce Actions Occupy the Court,” *Anaconda Standard*, September 11, 1921.

³⁸² See Petrik, “If She Be Content;” “Divorce Actions Occupy the Court,” *Anaconda Standard*, September 11, 1921.

³⁸³ “Divorce,” *Butte Miner*, May 6, 1914.

³⁸⁴ See Cott, *Public Vows*.

avenue for abused women.³⁸⁵ Locally, women who divorced abusive husbands often became the object of public sympathy. In 1913, when Lilly Cleveland filed for divorce, for example, the *Anaconda Standard* ran the announcement under the headline, “Husband a Bruiser Wife is a Victim.”³⁸⁶ As the brief article detailed, despite a happy beginning, Lilly, whose rosy cheeks “the roses in the gardens . . . vied with . . . in the claim for beauty,” saw a change come over her husband, Lafayette. Despite her “zealous . . . performance of a mother’s duty,” Lafayette “went from love to neglect, and from neglect to abuse.”³⁸⁷ According to popular opinion and practice, then, Annie’s contemporaries likely believed she had the opportunity to leave her marriage if she was unhappy. Instead, however, she opted to stay and allegedly carried on with other men. Jealousy, in this case, was an acceptable justification for the crime, as Annie’s perceived infidelity and decision not to dissolve the marriage had caused John extreme duress, leaving him, according to the papers, with little choice.

It is important to note that although the public perception was that women had the opportunity to leave, this was not always a realistic option for women. In fact, the seemingly progressive acceptance of divorce coupled with conservative desire to keep state agencies out of marriage and marital disputes out of public view, preserved male privilege in marriage. Economic concerns, for example, often made divorce infeasible. In 1896, 17-year-old Annie married 36-year-old John Forbes, a Scottish immigrant. The two remained briefly in Fargo, North Dakota, where John worked as a merchant, before moving to Butte, where John found employment as an expressman. In 1902, Annie gave

³⁸⁵ Ibid., 162.

³⁸⁶ “Husband a Bruiser Wife is a Victim,” *Anaconda Standard*, December 5, 1913.

³⁸⁷ Ibid.

birth to Agnes. The Forbes' two sons, Arthur and Frank, followed in 1904 and 1906, and a third son was born shortly thereafter.³⁸⁸ When John committed the homicide/suicide in 1917, he was unemployed. He had lost his job at the Smith grocery, possibly due to the miner's strike that caused layoffs across the city, a few months earlier.³⁸⁹ Annie worked as a housewife.³⁹⁰ The limited employment opportunities for both Annie and John and the need to care for the family's four children may have prevented Annie from seeking a divorce.

Conversely, Daisy had opted to divorce Martin in December 1917, and yet the jealous husband narrative expressed a belief that he still held a reasonable claim to her fidelity. In fact, the media coverage of the shooting and status updates on Daisy's condition explicitly collapsed the distinction between a wife and an ex-wife. Outside of the initial headline, reports consistently referred to her as Martin's wife despite the fact that the couple had divorced months earlier.³⁹¹

As the Bray case demonstrates, while divorce had become more widely practiced and court cases, including *Thompson*, reflected the idea that it could offer women an escape from abuse, concerns over how legal separation might disrupt monogamy, or more precisely, how best to contain divorced women's sexuality remained.³⁹² In the early twentieth century, alterations in feminine behavior gained widespread attention, as new

³⁸⁸ 1900 U.S. Census, Fargo, Ward 4, Cass, North Dakota, pg. 1A, John Forbes and Annie Forbes; "Mad Jealousy is Thought to be Motive for Tragedy," *Butte Miner*, May 6, 1917.

³⁸⁹ "Mad Jealousy is Thought to be Motive for Tragedy," *Butte Miner*, May 6, 1917.

³⁹⁰ Butte-Silver Bow County, Montana, Death certificate no. 21925 (1917), Annie Forbes, Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana.

³⁹¹ "Jealous Husband Kills Escort," *Butte Miner*, May 17, 1918; "Mrs. Bray Loses Fight for Life," *Butte Miner*, May 27, 1918.

³⁹² Cott, *Public Vows*, 106.

kinds of work, leisure, and the very presence of women on the streets and in the voting boxes demonstrated “women’s willingness to use their bodies in new ways.”³⁹³ With increased legal and economic opportunities, women found themselves accessing arenas, including increasingly expressive sexuality, which in the past had been exclusively male.³⁹⁴ Divorced women, like Daisy, presented a new challenge to monogamy. Once divorced, their sexuality was no longer contained, and questions regarding the status of monogamy, if women went on to engage in sexual relationships after divorce, arose.

Butte papers, which intimated that the Brays’ divorce was one-sided, perhaps more keenly tapped into these concerns. Reports explained that Martin was a “big hearted” and hardworking miner, who “would loaf only when under the influence of liquor, which according to friends was caused by his brooding over his domestic affairs.” Furthermore, after his divorce, he showed great affection and responsibility for his family. He regularly snuck out from work to use the phone in the timekeeper’s office to call Daisy to inquire if there was “something that he might do for her or the children.” He also regularly took groceries to the family even without solicitation.³⁹⁵ The newspaper’s focus on Martin’s anxiety over the end of their marriage suggests that he may not have wanted the divorce at all. Additionally, the Brays’ contemporaries may have read his continued efforts to care for the family as explicitly laying claim to her faithfulness. Simultaneously, Daisy’s sexual activity post divorce, and especially with a married man, seemed to threaten the status of marriage itself. A victim of unrequited love, Martin’s increasing violence, even against his ex-wife, appeared justifiable.

³⁹³ Ibid., 159.

³⁹⁴ Ibid.

³⁹⁵ “Jealous Husband Kills Escort,” *Butte Miner*, May 17, 1918.

Martin's stopping over without being asked, even to deliver groceries, his frequent calls to Daisy's house, and his escalating violence, however, when taken alongside his other actions seem closer to stalking than tenderness. In fact, one night, fearing that Daisy was with another man, he spied on her through a keyhole. Daisy was so frightened that she fired a gun at the door, injuring Martin's leg. She later confessed that she thought Martin was a burglar. In the absence of the language necessary to discuss stalking, her fear was perhaps not misplaced.³⁹⁶

In projecting a jealous husband narrative onto wife homicides with some regularity, media outlets granted rhetorical privilege to abusers, depicting them as sympathetic and desperate to protect the cultural values of family and monogamous marriage. In doing so, they established a clear binary. If Forbes and Bray were supposed to be the objects of reader's sympathy, Annie and Daisy must be the objects of their disdain. In fact, newspaper reports did not even attempt to represent Annie or Daisy's stories. Through the practice of epistemic violence, newspaper coverage reduced women to a threat to marital values.³⁹⁷ In the lack of information about these women, they function as little more than cautionary tales, making clear the consequences to women who might pervert those ideals.

Again, the almost complete lack of information about Annie and Daisy bolstered this narrative. The papers carefully described how after John had ordered her to return to the house, Annie slowly approached the front steps. When she turned to say something, she "looked into the barrel of the weapon. The trigger was pulled before she could step

³⁹⁶ Ibid.

³⁹⁷ See Baldwin, "The Development of Rhetorical Privilege in the News Reporting of Violent Crime."

inside.” Aside from the gruesome images of her final moments, papers only recounted her supposed transgressions.³⁹⁸ Moreover, throughout the coverage of the Bray homicide and even in Daisy’s death notice is a glaring and telling error. The newspapers failed to report her name correctly. All reports refer to her as “Gladys,” signaling that her identity outside of her potentially adulterous affair mattered little. Outside of her death, reports focused on her relationship with Showers. After her divorce from Martin, Showers and his wife hired her to care for their children. It is unclear when their relationship became intimate, but according to the *Butte Miner*, “It is said” that Mrs. Showers believed Kay paid “too much attention” to Daisy. In fact, reports speculated that it was Kay and Daisy’s relationship that drove Mrs. Showers to depart Butte just two months before the murder. Thus, reports depicted Daisy as a woman who left her own marriage and threatened Kay’s.³⁹⁹

In many ways, the reports acted as cautionary tales, part of a well established and long standing tradition. This narrative came back into widespread public consumption in the 1910s, when Butte newspapers began publishing true crime with increased regularity. The *Anaconda Standard*, for example, printed a nationally circulated serial originally published by the *New York Herald* titled, “Famous Tragedies that Balked Solution.” Literary in nature, but purportedly factual in their accounts, the lavishly illustrated serials recounted true and famous unsolved murders of women, whom, perhaps because their cases were cold, were depicted in much more intimate detail than their contemporary counterparts. The April 17, 1912, installment recounted the murder of Annie Martin, who

³⁹⁸ “Mad Jealousy is Thought to be Motive for Tragedy,” *Butte Miner*, May 6, 1917.

³⁹⁹ “Jealous Man Kills Escort,” *Butte Miner*, May 17, 1918; “Mrs. Bray Loses Fight For Life,” *Butte Miner*, May 27, 1918.

was killed in her home on January 17, 1880 in New York. As the story goes, the young, “slender girl with raven black hair, an intelligent, attractive face and frank girlish manners, which made her a favorite with all who made her acquaintance,” lived a quiet life in a Prince Street House. Although her visitors had been primarily women, in the period leading up to her death, she had begun regularly admitting a man into her apartments: “so intimate did they become that there was much talk of scandal.” Late one evening she informed her landlady that the man would call for her just before midnight. The idea of a female boarder receiving a man so late, of course, caused much anxiety for her landlady, who lay awake the entire night, but never heard a soul enter the house. The next morning Annie was discovered murdered in her room. Although the case remained unsolved, the author explained that the most likely explanation was “that the murderer was a man [perhaps the mysterious man she had frequently admitted to her rooms] whom Annie . . . had promised to marry in her younger days and who was crazed by the thought that she had betrayed and forsaken him.”⁴⁰⁰

Another installment, the story of Margaret Lynch’s early twentieth-century murder was accompanied by an illustration depicting her dead body propped up against a tree where two little boys playing hide-and-seek had discovered her. The young woman’s plans to marry a young man named Maune were suddenly dashed when “two days before the marriage was to have taken place her fiancé went suddenly and violently insane.” Maune’s family continued to care for Lynch, but it seemed that her relationship with his

⁴⁰⁰ “Famous Tragedies that Balked Solution: Some Celebrated Crimes in Which Women Were the Victims and Which Refuting the Adage That ‘Murder Will-Out,’ Would Give Poe Material for Other Marie Rouget [sic] Studies. The Baffling Ryan and Annie Martin Cases,” *Anaconda Standard*, April 17, 1912.

father, Oswald Maune, was more sinister than it had first appeared. Just days before her body was discovered, Lynch penned a letter to her mother confessing to “the sin she had been betrayed into committing.” With this piece of evidence, police were certain that Maune had committed the murder in order to keep his secret—an illicit liasion with Margaret, which may have driven her fiancé to insanity— safe. However, they were never able to prove as much.⁴⁰¹ Crucial to these narratives was a stark reminder that women’s sexual transgressions were frequently central to their deaths. They had taken lovers, faced unplanned pregnancy, and in Annie Martin’s case, had betrayed a man’s love, driving him to a familiar jealous conclusion.⁴⁰² Like the stories of Annie Forbes and Daisy Bray, these serials provided warnings to women who might pose a threat to monogamous marriage.⁴⁰³

Again, while the cautionary tale was not unique to the twentieth century, its iteration in Butte papers in the 1910s demonstrates that an important element had changed. Within these narratives, women who committed wrongdoings were punished in increasingly violent ways. Whereas death in nineteenth century cautionary tales was a common mode of punishment, women generally died in childbirth or of illness. Inspired

⁴⁰¹ “Famous Tragedies that Balked Solution: The Brutal Murder of Little Susie Martin, a Crime That Was Never Solved – Who Was the Pretty and Fine Looking Woman Found Dead Under a Tree at Hempstead, Long Island?,” *Anaconda Standard*, April 14, 1912.

⁴⁰² “Famous Tragedies that Balked Solution,” *Anaconda Standard*, April 17, 1912.

⁴⁰³ The role of true-crime reports as moral guides is also evident in articles that recounted homicide, suicide, robbery, and assault as a way to dissuade participation in a multitude of vices. On May 25, 1913, for example, the *Anaconda Standard* published an article titled, “Racing – The Sport of Kings: It Wouldn’t Be so Bad if Kings Exclusively Patronized It. Common People Bound to Go Broke at It – True Tales of Murders, Suicides, and Robberies Directly Traceable to the Race Track.” In this article, author Jack Rose deployed crime reports and sensational literary tropes in order to demonstrate the danger of gambling. Jack Rose, ““Racing – The Sport of Kings,” *Anaconda Standard*, May 25, 1913.

by the true and highly publicized death of Elizabeth Whitman, a Connecticut socialite, Hannah Webster Foster's *Coquette*, for example, recounts the downfall of Eliza Wharton. A best seller in the 1820s, the cautionary novel details Wharton's adulterous affair with a married man. After becoming pregnant and ashamed of her behavior, she flees her home. Ultimately Wharton's indiscretion is punished when she dies alone in childbirth.⁴⁰⁴ In stark contrast to these older versions, in the 1910s' cautionary tales, women fell victim to gruesome and violent murders.

What most significantly differentiates the jealous husband narrative produced in Butte in the 1910s from earlier iterations are the targets of morbid jealousy. A close reading of the coverage of Forbes and Bray's murders, the nationally circulated serials, and the increasing rates of wife homicides reveals that the justifiable target of men's morbid jealousy shifted from the wife's lover to the wife. The jealous husband narrative of the twentieth century was rooted in an earlier jealousy narrative that granted lethal husbands, as familial protectors, an extra-legal right to violence against their wife's lover in instances of adultery. However, in the 1910s iteration, the "justifiable" target of that violence shifted from a wife's lover to the wife herself. This shift was perhaps the product of changes in the status of women.

In the nineteenth century, as Hendrik Hartog argues in *Man and Wife in America*, a man was granted an extra-legal right to kill his adulterous wife's lover. He explains that this was rooted in a cultural system that linked protection of one's family to masculinity. In cases where a husband killed his wife's lover, a seduction narrative was deployed, in

⁴⁰⁴ Hannah W. Foster, *The Coquette*, ed. with introduction Cathy N. Davidson (New York: Oxford University Press, 1986).

which the husband was depicted as desperately trying to protect the family unit and his wife's virtue after a devious man (the deceased) had tarnished it.⁴⁰⁵ While being the cuckold in the twentieth century was certainly a reviled position for a man and while men sometimes still responded violently, as the Bray and Forbes cases illustrate, fault fell to the women and was determined by different standards. Again, part of this shift may have been the product of alterations in women's legal status. In the nineteenth century, married women were still beholden to the common law tradition of *feme covert*, a doctrine under which women lacked independent legal personas.⁴⁰⁶ More than legally placing women's personhood under her husband, however, coverture reflects cultural understandings of married women as not altogether responsible for their actions. Under these beliefs, men, whose wives committed adultery, were the objects of the lover's actions. Jealousy, therefore, was the product of a man's seduction not a woman's indiscretion.⁴⁰⁷

The repeal of *feme covert* signaled an important shift in both legal and cultural views concerning women's personal agency. In the later part of the nineteenth century, states began adopting legislation, that overturned coverture. In 1895, for example, Montana adopted the "Married Women's Act," the purpose of which, according to the Montana code, was to "free the wife from certain disabilities imposed upon her by the common law, under which her legal personality and property were merged in the husband."⁴⁰⁸ Not only did the adoption of women's independent legal persona grant them

⁴⁰⁵ See Hartog, *Man and Wife in America*, "The Right to Kill."

⁴⁰⁶ See Joan Hoff, *Law, Gender, and Injustice: A Legal History of U.S. Women* (New York: New York University Press, 1991).

⁴⁰⁷ See Paul E. Mullen, "Jealousy and Violence," *Hong Kong Journal of Psychiatry* 5 (1995): 18-24.

⁴⁰⁸ Montana Rev. Code Ann. § 36-101 (1959).

increased rights, it also established legal and reflected cultural understandings of women as responsible for their own actions. In the twentieth century, lethal husbands, within the jealous husband narrative, were, as they had been in the nineteenth century, read as protectors of family. As Bray and Forbes' cases demonstrate, however, the justifiable target for men's morbid jealousy shifted from the lover to the wife.

While the consistency with which the press narrated wife homicide according to the jealous husband narrative would fade, jealousy, as a justification for femicide, remained firmly entrenched in twentieth century criminal constructions. The cases of violence discussed above are extreme, to be sure. Nevertheless, the media attention they gained aided in perpetuating the idea that even survivors of wife assault were likely to be women who undermined the values of love, fidelity, and monogamous marriage. These were women who constructed their murderers, driving men mad with jealousy. Through repetition, this story became the common sense narrative for wife homicide.⁴⁰⁹ The interpellation of this narrative is evident in the way in which the local media applied and reproduced it, as well as in the regularity with which it was adopted into Butte's coroner's reports and trial proceedings in the following years.

On October 3, 1919, Charles J. Antila, a Butte quartz miner, attacked his wife Margaret with a small penknife. After slicing the throat of his wife of eighteen years, Antila cut his own. The bodies of the Antilas were discovered at their home on 1112 East Park Street. Following the coroner's inquest, the jury found that "the deed according to

⁴⁰⁹ See Angela McRobbie and Sarah L. Thornton, "Rethinking 'Moral Panic' for Multi-Mediated Social Worlds," *The British Journal of Sociology* 46, no. 4 (1995): 559-574.

the evidence . . . [was] committed while in a fit of jealousy.”⁴¹⁰ This time, however, the media was not superimposing this narrative. In this case, it was a group of community members, who made up the coroner’s jury.

Similarly, on July 4, 1922, the *Butte Miner*, under the headline, “Divorced Man is Accused of Shooting 3,” ran the story of Axel Holmquist who shot and killed his ex-wife, Anna, his brother, Fred, and his three-year-old son, Tor.⁴¹¹ While the local media had, at least temporarily retired the jealous husband narrative from the headlines, Holmquist and his character witnesses in the trial would deploy the narrative as a defense. Holmquist and Anna were married in Finland in 1908. Shortly thereafter, they immigrated to Juneau, Alaska, where Anna gave birth to their son. Anna and Axel’s marriage had been strained for a couple of years, resulting in a divorce in 1920. Five months before the murders, Anna, Fred, and Tor moved to Butte. Explaining, “Fred stole my wife,” Holmquist recounted to Butte police how he approached the family who were sitting on the front porch of their home on East Mercury Street. He asked his brother “if he was going to pay for the trouble he had caused,” and then opened fire with a .32 automatic, shooting Fred and Tor twice and Anna three times. When he was informed of the immediate deaths of

⁴¹⁰ Butte-Silver Bow County, Montana. Death certificate no. 26020 (1919), Margaret Antila, Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana; Butte-Silver Bow County, Montana, Death certificate no. 26021 (1919), Charles J. Antila, Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana; Coroner’s Register, Charles and Margaret Antila, pg. 223, August 1918 – October 1920, Butte –Silver Bow Public Archives; Marriage Record no. 65 (1899), Charles J. Antila and Maggie Jackola, Houghton County, Michigan, Michigan Division of Vital Statistics, Michigan.

⁴¹¹ “Divorced Man is Accused of Shooting 3,” *Butte Miner*, July 4, 1922.

Fred and Tor, he exclaimed that Fred deserved it and that he was happy he did not have to see the little boy suffer.⁴¹²

Holmquist's defense called on several character witnesses to speak on his behalf. Many of the questions sought to establish his character, to provide an account of his marital troubles, and to ascertain his state of mind leading up to the murders. As Holmquist had only resided in Butte for five weeks before committing the murders, many of the witnesses for the trial were still located in Juneau and responded to questioning in writing, leaving uniquely detailed testimony. The defense attempted to establish diminished capacity, claiming that the actions of his unfaithful wife inspired jealousy in him and ultimately drove him to violence, a narrative supported by the testimony of witnesses.⁴¹³

John Rustgard, who at the time of the trial was serving as the attorney general of the Territory of Alaska, had represented Axel during his divorce proceedings and had known him for approximately ten years. In his first response to the defense, Rustgard stated plainly, "in my opinion Axel should not be held criminally responsible for the homicide of which he became guilty."⁴¹⁴ Indeed, outraged by the trial, he advised Axel's attorneys to postpone the trial so that he might gather other witnesses who could also speak to "the conditions under which he [Axel] has lived for some years."⁴¹⁵ Days later, Rustgard made good on his word and sent copies, which he paid for out of his pocket, of

⁴¹² Ibid..

⁴¹³ State of Montana v. Axel Holmquist, July 15, 1922, District Court Second Judicial District, County of Silver Bow, register/case no. 5946, Butte-Silver Bow Public Archives, Butte, Montana.

⁴¹⁴ Ibid., Rustgard testimony, September 13, 1922.

⁴¹⁵ Ibid.

witness testimony, the Holmquists' divorce papers, the court order that prevented Axel from seeing his son, and the assault charges that Anna's brother had filed against Axel on her behalf. The testimony included in this packet was that of Mrs. Hannah Johnson, a neighbor of Anna and Axel, and Mrs. John Holmquist, the wife of the eldest Holmquist brother.⁴¹⁶

Both women echoed Rustgard's testimony that Axel believed that Fred and Anna were engaged in an adulterous affair. All three described Axel as excitable, lacking control, and desperate to see his wife, even spying on her late into the night.⁴¹⁷ All three had seen Fred and Anna together on several occasions and supposed, like Axel, that there was something between them even before the divorce was finalized.⁴¹⁸ After the Holmquists divorced, some thought that Fred was living with, or at least spending too much time at Anna's new home. A particular point of contention for the witnesses was that Axel was still paying alimony and that Tor had been heard to call Fred, "Papa." Rustgard, disgusted with these particular details, included them in his closing notes to Axel's attorneys, so that they would not fail to grasp the full weight of Anna's misuse of Axel.⁴¹⁹

Like the media produced narrative for the 1918 Bray homicide, witnesses believed that Axel was owed his wife's fidelity even after divorce. A parallel point of evidence in both narratives was the murderers continued financial support. Bray continued to purchase groceries for Daisy after their divorce, and Axel's alimony

⁴¹⁶ Ibid. Although he paid for the copies and for a stenographer to record the testimony on his own, he requested that he be reimbursed.

⁴¹⁷ *Holmquist*, Rustgard, Johnson, Holmquist testimony, September 28, 1922.

⁴¹⁸ Ibid.

⁴¹⁹ Ibid.

provided Anna with financial assistance. In this way, witnesses believed that Axel was still fulfilling his marital obligations as provider, and thus expected that Anna should continue to fulfill hers by remaining faithful. In fact, on September 28, 1922, Rustgard accompanied copies of the divorce decree and wife assault complaint with a letter explaining, “the importance of these documents may be found to lie in the fact that while Fred was apparently living with Anna . . . Axel was forced to support her, and the dismissal of the assault case is possibly an evidence that the judge considered that the defendant was at that time morally responsible.”⁴²⁰ Here Rustgard makes clear that he, and possibly other members of the legal community, believed that although the law no longer explicitly protected abusive men, its practice extended leniency to them, especially if they upheld their primary function as economic provider.

The witnesses’ testimony also described instances in which Axel assaulted Anna, pinning her to the floor and biting her. He attacked her and a friend in their home, and on a separate occasion, Anna’s brother filed assault charges against Axel on her behalf, a charge that the justice court judge in Juneau dismissed.⁴²¹ Johnson recounted an incident when Anna ran to her house screaming, “Axel was going to kill her.” When Axel entered the room, “he stated he was not going to kill her, but said: ‘I want to shake Fred out of you.’”⁴²² In the end, however, the witnesses read Axel’s obsessive desire to be with Anna, his endless talking about and spying on her, and his violent outbursts as signs of genuine love. Whereas in Bray and Forbes’ cases the media used histories of violence to establish deep love, in Holmquist’s case community members, fully accepting that

⁴²⁰ *Holmquist*, Rustgard testimony, September 28, 1922.

⁴²¹ *Holmquist*, Rustgard, Johnson, Holmquist testimony, September 28, 1922.

⁴²² *Holmquist*, Johnson testimony, September 28, 1922.

violence could be read as a sign of affection, put forth this claim. Mrs. Johnson warned Axel to stay away from Anna because there was no telling what new “trick” she might play on him.⁴²³ According to Rustgard, many in the community shared his, Johnson, and Holmquist’s beliefs, as he informed Axel’s counsel, “There are I assume, other witnesses who could testify to substantially the same facts, but it would be purely cumulative.”⁴²⁴

The power with which the jealous husband narrative functioned as a common sense explanation for wife homicide and abuse is explicit in Rustgard’s testimony. Reasserting that Axel should not be held criminally responsible for his actions, Rustgard concluded, Axel “continued to be very much in love with his wife, - I would say he was insanely in love with her.”⁴²⁵ As Rustgard’s statement demonstrates, the jealous husband narrative was no longer merely a media generated justification provided for general public consumption. Rather individuals, and in this case, the chief legal advisor in Alaska, came not only to believe in the narrative’s rationalization of male violence, they utilized it as a means to legally excuse those actions.

In the end, a Butte jury held the same opinion. Whereas the jury in Bray’s case likely sympathized with his actions as a man driven to jealousy, it did not believe it excused him from criminal wrongdoing. On May 31, 1919, a jury sentenced Bray to life in prison at the state facility in Deer Lodge, Montana.⁴²⁶ Conversely, On May 13, 1923, a

⁴²³ Ibid.

⁴²⁴ *Holmquist*, Rustgard testimony, September 28, 1922.

⁴²⁵ Ibid., 1-8.

⁴²⁶ Bray, Martin, “Descriptive List of the Convict (1919),” Montana State Prison Records, 1869-1970, Montana Historical Society Research Center, *Montana Memory Project*, <http://mtmemory.org/cdm/compoundobject/collection/p103401coll11/id/11901/rec/2>.

Butte jury found Holmquist not guilty of all counts “by reason of insanity.”⁴²⁷ While we will never know the particulars of the relationship between Fred and Anna or between Axel and Anna, for Axel’s contemporaries, the suspicion of infidelity was justification enough for his actions.

In light of cases like Holmquist’s, it is imperative that we ask if we are constructing the offenders that we claim to describe. Even when the offender, like Holmquist, links his crime to jealousy, a chicken-and-egg question remains. Do abusive men like Holmquist call on jealousy at certain moments because it is a well-established justification for the crime? It is possible that offenders, like criminal witnesses and readers of criminal reports, interpolate this motive because it is one of the ways that they, as members of given society, have learned to rationalize domestic violence? For example, unlike any of the other offenders discussed throughout, Holmquist stated his motive: “Fred stole my wife.”⁴²⁸ It is imperative, however, that we examine his use of this narrative in the context from which it was produced. As sociologist and criminologist, Lois Presser explains, “identities take shape when we verbally account for our behavior . . . one does not *have* a story. Rather, one *makes* a story.”⁴²⁹ Specifically, she argues that not only do “accounts [criminal and otherwise] derive from conventional understandings of what legitimizes behavior . . . [but] accounts are also tailored to particular social settings.”⁴³⁰ Indeed, Holmquist’s reiteration of his motive became increasingly fervent as the trial approached. In a letter to his brother, written in the months leading up to trial,

⁴²⁷ *Holmquist, Verdict.*

⁴²⁸ “Divorced Man is Accused of Shooting 3,” *Butte Miner*, July 4, 1922.

⁴²⁹ Lois Presser, “Violent Offenders, Moral Selves: Constructing Identities and Accounts in the Research Interview,” *Social Problems* 51, no. 1 (2004): 82.

⁴³⁰ *Ibid.*, 98.

Holmquist told him, “My health is poor, but I hope to stand it for a while until all the crookedness played upon me will be fully exposed and brought to light.”⁴³¹

While the crimes discussed throughout are extreme and while they only provide a snapshot of a history of constructed violence narratives in Butte, they evidence the very palpable way that crime narratives (re)produce and reinforce responses to and conceptions of brutality. Initially functioning as a cautionary tale, the jealous husband narrative constructed abusive and even lethal husbands as victims of unrequited love whose families were threatened by the actions of duplicitous women. In the media’s exploitation of epistemic violence, women’s voices remained almost entirely silenced, rendering them as little more than a menace to monogamous marriage. In the decades that followed, individuals incorporated the jealous husband narrative into their criminal defenses. And while not all husbands would kill their wives, wife assault and homicide increased exponentially throughout the study period, perhaps as an extension of the jealous husband narrative of the 1910s, which provided for justifiable lethal force as a means to control a wife’s behavior when she “threatened” the institution of marriage.

⁴³¹ *Holmquist*, Exhibit 1.

‘IT IS A LAMENTABLE FACT THAT THERE IS NO LAW’:
THE LAW AND ITS GENDERED EXECUTION

At the turn-of-the-twentieth-century, immigrants, seeking union work and wages, flooded into Butte, transforming it into a bustling urban center with the largest population in the five-state region.⁴³² The electrification of the world brought an unparalleled demand for copper, and the rich veins that ran beneath the mining city made Butte the world’s principal copper producer, “the Richest Hill on Earth.” In 1916, mining companies intensified production to fulfill wartime demands, unearthing 352 million pounds of copper, and by 1918, the population climbed to approximately 93,000.⁴³³ Although its economic dependence on resource extraction was, in a sense, western, the metropolitan center’s industrial economy and demographic makeup closely paralleled many cities across the nation.⁴³⁴ Indeed, Butte’s very urbanity corresponded with that of the nation, as migrants and immigrants, aided by improved transportation, increasingly looked to America’s cities to fulfill economic dreams.⁴³⁵

The volume of westward migration and the growth of American cities, where varied races, ethnicities, and classes intermixed, increased anxieties about public welfare and morality. As cultural beliefs more frequently identified the environment as the source of criminal behavior, they more often pinpointed U.S. cities, like Butte, as sites of moral

⁴³² Mary Murphy, *Mining Cultures: Men, Women, and Leisure in Butte, 1914-1941* (Chicago: University of Illinois Press, 1997), xiv.

⁴³³ *Ibid.*, 23; R.L. Polk and Company Directory, Butte, Montana, 1918, Butte-Silver Bow Public Archives, Butte, Montana.

⁴³⁴ Janet Finn, *Mining Childhood: Growing up in Butte, Montana, 1900-1960* (Helena: Montana Historical Society Press, 2012), 15. Murphy, *Mining Cultures*, 20.

⁴³⁵ Hilary A. Hallett, *Go West, Young Women!: The Rise of Early Hollywood* (Berkeley: University of California Press, 2013), 3.

decay.⁴³⁶ Simultaneously, the permeability of legal boundaries raised new questions about how to regulate crime in the face of increased mobility. As Chief Justice William Howard Taft expressed, “the radical change in transportation of persons and goods effected by the introduction of the automobile, the speed with which it moves, and the ease with which evil-minded persons can avoid capture, have greatly encouraged and increased crimes.”⁴³⁷ Focusing primarily on the regulation of morality and reflecting the unease over permeable legal boundaries, the federal government expanded its control over the justice system, heavily influencing state and municipal laws and creating important commonalities between criminal jurisdictions across the nation.⁴³⁸ The moral war waged in the nineteenth century, raged in the early twentieth, when federal and state governments passed a series of laws related to prostitution, gambling, larceny, drug use, and alcohol, culminating with prohibition in 1920.⁴³⁹

Many of the federal, state, and local vice laws during this period focused on women. As work, leisure, and the very presence of women on the streets and in the voting boxes demonstrated the victories of women’s movements, female bodies, like the cities in which they lived, were increasingly viewed as sites of potential moral disruption.⁴⁴⁰ In 1895, Montana adopted the Married Women’s Property Act, which granted women limited access to property, and the erosion of coverture established

⁴³⁶ Friedman, *Crime and Punishment in American History* (New York: BasicBooks, 1993), 77, 4, 68.

⁴³⁷ *Brooks v. United States*, 267 U.S. 432 (1925). Also see Friedman, *Crime and Punishment in American History*, 265.

⁴³⁸ Friedman, *Crime and Punishment*, 324, 262.

⁴³⁹ *Ibid.*, 265, 266.

⁴⁴⁰ Nancy F. Cott, *Public Vows A History of Marriage and the Nation* (Cambridge: Harvard University Press, 2000), 159.

women as independent legal agents. In 1914, Montana women won the right to vote, and the Nineteenth Amendment followed in 1920. However, there was an uneasy tension. Americans linked ideal womanhood to the larger social good and feared that the decay of female character would mean further moral deterioration for the nation.⁴⁴¹ Women at the turn-of-the-century were at once considered culpable for their actions and easily swayed to immorality. As such, women became the focus of both vice and protective reforms.

A close reading of Montana law, Butte trial transcripts, and State of Montana Supreme Court decisions reveals the ways in which the same pressures shaped state law and its execution. Enacted in 1864-65, Montana rape law's narrow definition was rooted in turn-of-the-century constructions of men and women and husbands and wives. Seeking to more vigorously protect women and preserve fragile female purity, in the 1910s Montana legislators made two revisions to criminal rape law and one change to sex crime law. In fact, these were the only changes made to rape law between 1895 and 1950. Specifically, in 1909, Montana extended the maximum punishment for rape to ninety-nine years. In 1913, it increased the age of consent to eighteen. In 1911, laws against prostitution and seduction extended to protect both chaste and unchaste women. Like vice and protective measures these changes were a response to the moral panic of the period and to changing perceptions of female sexuality.

While on the one hand, these revisions ushered in a legal stasis, on the other hand, the execution of rape law remained in flux. Specifically, the explicit introduction of a woman's sexual past and the connection between chastity and veracity were products of

⁴⁴¹ A. Cheree Carlson, *The Crimes of Womanhood: Defining Femininity in a Court of Law* (Urbana: University of Illinois Press, 2014), 5.

the 1920s. Between 1900 and the end of World War I, a woman's sexual history only worked to provide evidence of her *character*, and the state supreme court stipulated that lawyers could not use it to speak to her *credibility*. Moreover, once a woman gave testimony regarding her character, no one could challenge it in a court of law. This view significantly altered following World War I. During this period, women's sexuality, no longer requiring protection, became a dangerous pathology from which men needed to be protected. Reflecting these changing attitudes, the city of Butte and state of Montana met rape claims with increased suspicion. The Supreme Court of Montana directly linked a woman's chastity with her veracity and permitted lawyers to introduce her sexual history in order to undermine her credibility. These new legal approaches reflected the idea that a woman who lacked sexual purity could not be telling the truth. Consequently, the justice system raised the demands of proving resistance and scrutinized women's behavior more rigorously than it had in the previous two decades.

While there was a flurry of legal change in the early twentieth century, wife assault remained unrecognized in law. In fact, the state of Montana did not adopt a law specifically addressing spousal abuse until 1985. Through 1985, courts prosecuted wife assault under the general crime of assault. Court documents, however, reveal that public understandings of women and men, husbands and wives heavily influenced assault proceedings when the violence was domestic. Although assault law was gender neutral, the execution of law relied on gendered constructions. Trial transcripts suggest that the type of provocation that might justify an assault differed significantly between male and female victim/survivors. Through the 1930s, the public believed that wives provoked attacks if they failed to perform domestic tasks. Defense attorneys and perpetrators of

crime regularly used a wife's nonperformance of domestic duties to justify assault. In the 1940s, however, the justification, reflecting alterations in women's positions, changed significantly. Rather than introducing a woman's failures within the home to show just cause, lawyers began to ask if the women were in the home at all.

Throughout the twentieth century, these laws remained rooted in early twentieth century constructions of men and women and husbands and wives. The legal practice, however, altered. Courtroom narratives in Montana persistently pinpointed women's disregard of feminine standards, even as these standards changed, as a way to justify and reassert men's right to abuse. In this way, rape law and the execution of assault law in instances of wife abuse policed both crime and gender.

The Montana Territorial Legislature first enacted rape law with the Bannock Statute of 1864-65. As was common with the state's other legal codes, Montana based its rape law on the penal codes of other states. Specifically, Montana derived its rape law from the California Penal Code. It, therefore, closely aligned with laws across the West and throughout the nation.⁴⁴² The Territory and later the State of Montana defined the rape as,

an act of sexual intercourse accomplished with a female not the wife of the perpetrator under either of the following circumstances: 1. Where the female is under the age of sixteen years. 2. Where she is incapable through lunacy or any other unsoundness of mind whether temporary or permanent of giving legal consent. 3. Where she resists, but her resistance is overcome by violence or force. 4. Where she is prevented from resisting by threats of immediate and great bodily harm, accompanied by apparent power of execution or by any intoxicating, narcotic, or any other anesthetic substance administered by or with the privity[sic] of the

⁴⁴² It was common for states to base their penal codes on the codes of other states. Many western states drew on California law because California was one of the first territories in the American West to achieve statehood.

accused. 5. Where she is at the time, unconscious of the nature of the act and this is known to the accused. 6. Where she submits under the belief that the person committing the act is her husband, and this belief is induced by any artifice, pretence or concealment practiced by the accused, with intent to induce such belief.⁴⁴³

The definition itself, which aside from an increase in the age of consent to eighteen, remained unchanged between 1864 and 1950 and narrowly identified who possible victim/survivors and perpetrators of rape could be. Individuals the law sought to protect and those it identified as potential offenders were based in turn-of-the-century constructions of men, women, sexuality, and marriage. The law explicitly stated that only women could be victims, and the emphasis on “sexual intercourse” intimates that only men could rape, that rape could only be heterosexual, that the act of intercourse was necessary to establishing the crime.⁴⁴⁴ Rapists, however, could not be any man. The definition explicitly precluded husbands, and subsection 94-4102, which was also in effect through the 1950s, explained that if an accused man was under the age of sixteen, “his physical ability to accomplish penetration” must be proved.⁴⁴⁵

The law’s exception to “the wife of the perpetrator” makes clear that husbands could not be rapists if the complaining witness was their spouse, granting husbands a right to sexual abuse within marriage. In *State v. Williams*, decided in 1890, the Territory of Montana brought before the court the question of whether or not the negative language, “not the wife of the perpetrator,” needed to be included in indictments. In this

⁴⁴³ Montana Rev. Code Ann. § 11000 (1921).

⁴⁴⁴ Indeed the law identified non-hetero sex crimes by other names, including sodomy and the infamous crime against nature. For more information, see Estelle B. Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge: Harvard University Press, 2013).

⁴⁴⁵ Montana Rev. Code Ann. § 94-4102 (1947).

case, the justices declared that the phrase was not necessary, as it was an essential part of the crime that made a clear “exception, not of a class of females, but of a single individual . . . the wife of the perpetrator.”⁴⁴⁶ In 1912, *State v. Morrison* further solidified the law’s failure to acknowledge spousal rape. After a jury convicted John P. Morrison of rape in Granite County, Montana, his lawyers submitted an appeal to the state supreme court on June 24, 1912. Basing their appeal, in part, on a technicality, Morrison’s lawyers argued that the indictment was insufficient, leaving the defense “wholly at a loss” as to what kind of defense to prepare. Specifically, they argued that the indictment failed to include the phrase “not the wife of the perpetrator,” although Morrison had not raped his wife. The prosecution countered that the negative statement was not necessary. In fact, they argued that in states with identical criminal definitions of rape, it was common practice that the accused use marriage as a defense in allegations of rape. The Supreme Court of Montana, illustrating the naturalized belief in a husband’s unmitigated right to his wife’s body, delivered their decision the following day. They agreed with the prosecution and upheld Morrison’s conviction, arguing that “not the wife of the perpetrator” was always implied, as wives, who were not granted protection under the law, could not legally be victims of rape.⁴⁴⁷ Just as marriage law in this period granted husbands a right to his wife’s labor, rape law presupposed a husband’s right to his wife’s body.

Indeed, Butte’s records of criminal action make clear that attempts to control female sexuality and confine intercourse to marriage were key components to how the

⁴⁴⁶ *State v. Williams*, 9 Mont. 179; 23P. 335 (1890).

⁴⁴⁷ *State v. Morrison*, 46 Mont. 84; 125P. 649 (1912).

justice system understood rape in the early twentieth century. Notes throughout the records of criminal actions declare, case “Dismissed – settled by marriage” and “Dismissed. Parties Married.”⁴⁴⁸ In *State v. Williams* (1890), justices went as far as declaring, “If the proof of rape fails, a conviction can be sustained under the statutes of that State for fornication or adultery.”⁴⁴⁹ We might understand this interpretation, at its best, as granting greater opportunity for women to seek justice under more than one law. However, it more strongly demonstrates a preoccupation with confining sex to marriage.

While U.S. law had not previously recognized spousal rape, the turn-of-the-century tendency to dismiss cases when the alleged rapist married his victim/survivor shows the power of cultural narratives that believed a loss of virtue, for women, was unimaginable unless a conniving man had initiated the act. This belief and the desire to confine sex to marriage are evident in the conflation of rape, seduction, and adultery, all three of which appeared in a single section of the 1907 Montana law codes. While only seduction law spoke specifically to the use of marriage promises to entice a woman into intercourse, and while only adultery and seduction formally listed marriage as a resolution, in practice, the accused could easily settle all three by rescuing a woman’s virtue through marriage. Additionally, the Williams decision and the written law illustrate the justice system’s understanding of rape as an attack on morality rather than a violent exertion of power. In fact, in the early twentieth century, law books categorized these

⁴⁴⁸ *State of Montana v. Daniel McEachera*, *Records of Criminal Action*, Justice Court, January 1, 1914, Vol. 6, pg. 342, Butte-Silver Bow Public Archives, Butte, Montana. *State of Montana v. Jerry Harrington*, *Records of Criminal Action*, Justice Court, September 22, 1919, Vol. 15, pg. 105, Butte-Silver Bow Public Archives, Butte, Montana.

⁴⁴⁹ *State v. Williams*, 9 Mont. 179; 23P. 335 (1890).

three crimes with gaming, abortion, and offenses against good morals, under Title IX, “Crimes Against the Person and Against Public Decency and Good Morals.”⁴⁵⁰ While the number of cases dismissed by marriage would fall off in the 1930s and become almost entirely absent in the 1940s, a husband’s right to his wife’s body remained central to rape law well into the 1990s.⁴⁵¹

Although the State of Montana regularly revised its law codes, producing five revised editions between 1900 and 1950, the definition of rape remained fundamentally intact from its inception through the first two-thirds of the century.⁴⁵² In 1909, the length of punishment changed, and in 1913, the age of consent increased. Alterations in federal law and growing concern with female morality coincided with both of these shifts. In fact, federal law, including the Mann Act, closely aligned with Montana’s revisions and the execution of rape and sex crime law through the 1910s.

One of the federal government’s most noteworthy legislative responses to early twentieth century moral concern was the Mann Act or White Slavery Act (1910), which placed the regulation of female sex under federal as well as local control. Like vice laws, it sought to assert state power over feeble female character and was used to police any number of sex crimes.⁴⁵³ Specifically, the Mann Act criminalized the transportation “of any woman or girl for the purpose of prostitution or debauchery.”⁴⁵⁴ Like other vice and protective laws, despite its benevolent intentions, the Mann Act reflected social desires to limit female sexuality and the mobility of women in public spaces. So insidious were the

⁴⁵⁰ Montana Rev. Code Ann. § 8336-8344 (1907).

⁴⁵¹ Friedman, *Crime and Punishment*, 342-343.

⁴⁵² The State of Montana published revised codes in 1907, 1915, 1921, 1935, and 1947.

⁴⁵³ Friedman, *Crime and Punishment*, 265.

⁴⁵⁴ Mann Act of 1910, 18 U.S.C.A. § 2421 (1910).

dangers to female virtue that contemporaries imagined temptation lurked about every corner and, therefore, every woman was at risk. Reformers declared that train depots, dancehalls, and even a space as seemingly benign as an ice cream parlor could be “the first step” to moral ruin:

One thing should be made very clear to the girl who comes up to the city, and that is that the ordinary ice cream parlor is very likely to be a spider's web for her entanglement. This is perhaps especially true of those ice cream saloons and fruit stores kept by foreigners. Scores of cases are on record where young girls have taken their first step towards "white slavery" in places of this character.⁴⁵⁵

The fate that befell women once ensnared in the web of white slavery, according to U.S. District Attorney Edwin W. Simms, “would by contrast make the Congo slave traders of the Old Days appear like good Samaritans.”⁴⁵⁶

Aside from the law’s obvious racism, it codified a singular construction of female sexuality, at the heart of which was the belief that a loss of purity was a fate worse than death, and the conviction that if a woman became a prostitute or participated in extra-marital sex, it was because she was forced, coerced, or duped.⁴⁵⁷ This is perhaps most apparent in whom the law sought to protect. A significant and understated aspect of the law was that it extended legal protection to “any woman.” Before the Mann Act, laws against sex crimes often only sheltered chaste women. In Montana, just as rape law excluded wives, the state’s laws relating to prostitution and seduction disqualified unchaste women from protection. For example, laws defining criminal seduction stated, “every person

⁴⁵⁵ Bell, Ernst A., *For God’s Sake Do Something, Gen. Booth: Fighting the Traffic in Young Girls, or War on the White Slave Trade*, (Chicago: G.S. Ball, 1910), 1, 50, 51.

⁴⁵⁶ *Ibid.*, 61.

⁴⁵⁷ Friedman, *Crime and Punishment*, 325-326.

who, under the promise of marriage, seduces and has sexual intercourse with an unmarried female of *previous chaste character*” is guilty of seduction.⁴⁵⁸ With a broad stroke, the Mann Act brought all women (chaste and those lacking in chastity) under legal protection.

Reading the Mann Act alongside local rape law and trial transcripts, illuminates the import of shifting legal constructions of victim/survivors in the early twentieth century. The Mann Act and successive changes in Montana laws collapsed the legal distinction between good and bad women when they extended protection to all women. In many ways, this was a hopeful change in that it promised protection to women regardless of their sexual past. However, the Mann Act and Montana’s 1909 and 1913 revisions reflected the persistent fear that bad women would make accusations against good men and paradoxically reconstructed women as exclusively victims, rarely if ever arbiters of their own sexuality.

In 1909, Montana rape law underwent its first significant revision, when the state legislature altered the punishment of the crime. Rape was previously “punishable by imprisonment in the state prison not less than five years.”⁴⁵⁹ In 1909, the punishment was altered to “not less than two nor more than ninety nine years.” Although maximum penalties substantially increased, minimum penalties decreased by three years. While the longer potential punishment demonstrates mounting fear for women’s purity, the minimum punishment reflects the

⁴⁵⁸ Montana Rev. Code Ann. § 8344 (1907). Emphasis is mine.

⁴⁵⁹ Montana Rev. Code Ann. § 8339 (1907).

paradoxical constructions of womanhood. Although the protection of women was paramount in reformers' and policy makers' minds, the fear of vindictive complaints remained. The shorter minimum penalty potentially left room for the law to protect defendants from malicious accusations.⁴⁶⁰

In 1913, the Montana State Legislative Assembly, following the federal government's lead, increased the age of consent from sixteen to eighteen and extended the law to formally cover prostitutes.⁴⁶¹ The absence of public comment or debate among Montanans regarding the measure demonstrates the influence of federal law, which standardized eighteen as the age of consent and brought all women under state protection.⁴⁶² According to the Mann Act, a person found guilty of trafficking a woman under eighteen "shall be punished by a fine of not more than ten thousand dollars, or by imprisonment for a term not exceeding ten years, or by both." That penalty was twice as harsh as punishments for trafficking women over eighteen: "a fine not exceeding five thousand dollars, or by imprisonment of not more than five years, or by both."⁴⁶³ Montana state law carried the same penalty for individuals found guilty of any rape, but

⁴⁶⁰ Interestingly, lawmakers did not significantly revise the punishments for other forms of physical violence. Between 1910 and 1950, for example, the punishment for first and second-degree homicide remained unchanged. Likewise, the penalties for second and third-degree assault remained intact. While the penalty for first-degree assault did become more severe, legislatures did not make this alteration until 1947, when the maximum penalty increased from ten years to twenty years in the in the state prison.

⁴⁶¹ *State v. Duncan*, 82 Mont. 170; 266P. 400 (1928).

⁴⁶² This is not to say that changes in age of consent were exclusively the product the Mann Act, or that all states increased the age of consent at the same time. The act, however, did provide a federal model on which many states based their own increases in age of consent. See Friedman, *Redefining Rape*.

⁴⁶³ Mann Act of 1910, 18 U.S.C.A. § 2421 (1910).

courts and juries, who viewed crimes against minors as especially heinous, tended to use nonage to impart heftier sentences.

Both the federal and local age of consent were products of growing turn-of-the-century child advocacy as well as part of the moral crusade against prostitution, both of which worked to protect the welfare of children and especially young girls, whom reformers feared were easily enticed into prostitution. However, this measure also allowed for the differentiation between real victims and those who were not. State and federal law at the turn-of-the-century automatically recognized minors as “victims” while women above the legal age of consent had to prove their victimhood.⁴⁶⁴ *State v. Mahoney*, a 1900 appeal to a guilty verdict in a rape case reinforced this distinction. On January 10, 1897, Edward Mahoney raped fifteen-year-old Nellie Corbitt in Silver Bow County. In its appeal, the defense argued that the prosecution charged two crimes (rape against her will and statutory rape). The Supreme Court justices upheld the verdict on the grounds of nonage. Speaking briefly to this issue, the justices declared that a woman under the legal age of consent was not “capable of giving consent . . . Whether she submitted with or without resistance or even solicited his embraces, is immaterial, except, perhaps as bearing upon the extent of the punishment to be imposed.” Conversely, the same decision argued that if a woman was over the legal age of consent, “the allegation that the act . . . was perpetrated by violence and against her will . . . is essential, and must be proved.”⁴⁶⁵ The decision, while potentially providing greater protection to young women, reveals the ways in which early twentieth century society simultaneously viewed

⁴⁶⁴ For additional information on the complex issue of nonage, see Freedman, *Redefining Rape*.

⁴⁶⁵ *State v. Mahoney*, 24 Mont. 281; 61P. 647 (1900).

adult women as a class requiring special protection and yet bearing the larger responsibility for guarding their virtue. Even after state legislatures increased the age of consent to eighteen, rape law continued to draw on the Mahoney decision to distinguish between women under and over the legal age of consent.⁴⁶⁶

As with other laws considered protective, the increased age of consent presented new challenges to young women and the control of their sexuality. Nonage may have provided a more expedient way for women under the age of consent to receive favorable outcomes in a court of law. At the same time, however, in arguing that women of a certain age were not “capable of giving consent,” these laws significantly restricted women’s sexual agency. On July 15, 1927, twenty-five-year-old Jesse Duncan and a friend took a taxi to pick up seventeen-year-old Anna Williamson and Freda Bouchard at Bouchard’s house in Harlowton, Montana. Duncan and Williamson met for the first time that night, and after dancing and drinking at a roadhouse, the two headed to the Urner rooming house. Duncan procured a room just after midnight while Williamson hid in an upstairs bathroom. About thirty-five minutes after their arrival, Anna’s father burst into the room and attacked Duncan with a pocketknife.⁴⁶⁷

After a Wheatland County jury found him guilty of rape in 1928, Duncan appealed his conviction and a judgment denying him a new trial. Initially, Williamson, the complaining witness, stated to the District Attorney that she had had sex with Duncan. On a later date, Duncan’s mother persuaded her to sign an affidavit, swearing,

⁴⁶⁶ See An Act to Amend Section 8336 of the Revised Codes of 1907, Defining the Crime of Rape and Increasing the Age and Consent of Females. 13th Cong. (1913); Montana Rev. Code Ann. § 8336 (1915).

⁴⁶⁷ State v. Duncan, 82 Mont. 170; 266P. 400 (1928).

“the action against Jesse Duncan is being prosecuted without her consent and against her will.” It is unclear if Williamson consented, if Duncan’s mother coerced her into signing the affidavit, or if the county attorney prosecuted the case without her cooperation.

Nonetheless it is important to note that under nonage laws, these questions were immaterial. As a seventeen-year-old, Williamson did not have the legal power to consent.

In the supreme court appeal, justices confirmed that in instances of nonage,

any man who accomplishes an act of sexual intercourse with a female under the age of eighteen years, when such female is not his wife, is guilty of the crime of rape . . . the consent of the female, the lack of knowledge of her age, or even her misrepresentation as to her age, and the lack of chastity of the female, and even the fact that she was at the time an inmate of a house of prostitution, are all immaterial matters . . .

This is not to say that, statutory rape laws are uniformly good or bad, but rather to illustrate their complexity as they seek to protect and simultaneously punish, and like other sex crime laws, were often used to police a sex outside of the monogamous marriage model.⁴⁶⁸ In, *Duncan*, the state Supreme Court further argued that, “if a man indulge in promiscuity with strange women [who is underage] he has only himself to blame if it later develops that he has unwittingly committed the crime of rape.”⁴⁶⁹ Certainly, this demonstrates the power of nonage laws to protect even when intent was absent. However, the signed document in which Williamson or Duncan’s mother proclaimed, “the action against Jesse Duncan is being prosecuted without her consent and against her will,” is of

⁴⁶⁸ See Carolyn E. Cocca, *Jailbait: The Politics of Statutory Rape Laws in the United States* (Albany: State University of New York Press, 2004).

⁴⁶⁹ *State v. Duncan*, 82 Mont. 170; 266P. 400 (1928).

interest. The language of the affidavit echoes the language of rape law and draws a parallel between its desire to protect and its ability to revoke agency.

Only a few people made public dissenting opinions to Montana's change in age of consent law. County Attorney Frank P. Whicher from Red Lodge, Montana, argued that increasing nonage would open the doors for "designing women" to engage in "blackmailing schemes." In a 1913 letter to Governor Samuel Stewart, he stressed that while it is easy to tell if a woman is under the age of sixteen, it is much more difficult to tell if she is under eighteen. Creating this confusion for men, according to Whicher, was especially problematic since sex crime laws protected women of both chaste and unchaste character and, nonage also included prostitutes. Expanding the law's coverage, Whicher expounded, was "to put in the hands of unscrupulous people a weapon."⁴⁷⁰

While the 1909 and 1913 alterations were the only changes specifically to rape law, when Montana incorporated federal standards into sex crime law in 1911, it dropped chastity as an essential element of seduction and prostitution law. In Montana's 1907 law codes, chastity appeared twice.⁴⁷¹ Under "Seduction for Purpose of Prostitution," enticing "any unmarried female, of *previous chaste character*, under the age of eighteen, into any house of ill-fame" was a crime punishable by up to five years in the state prison, up to one year in the county jail, or a fine of up to \$1,000.⁴⁷² Section 8344, which spoke to the crime of seduction, explained that "every person who, under the promise of marriage,

⁴⁷⁰ County Attorney Frank P. Whicher to Governor Samuel V. Stewart, 20 February 1913, MC 35, Box 6, Folder 6, Montana Historical Society.

⁴⁷¹ Chastity was never a part of the definition of the crime of rape itself.

⁴⁷² Montana Rev. Code Ann. § 8341 (1907). Emphasis is mine.

seduces and has sexual intercourse with an unmarried female of *previous chaste character* is punishable by imprisonment in the state prison not more than five years or by a fine not more than five thousand dollars.” Again, however, if the parties married after the crime was committed, the courts dismissed the charges.⁴⁷³ In both of these instances, a woman’s chaste character was an essential part of the crime. In other words, similarly to rape law’s exclusion of wives, these laws did not recognize unchaste women as potential victims of seduction and, therefore, did not protect them. The state legislature adopted amendments in 1911 that repealed section 8341 of the 1907 law code, which addressed “Seduction for the Purpose of Prostitution.” It replaced this code with a series of laws that addressed trafficking in women, including procuring women to live in houses of ill fame and living off the earnings of a prostitute. Like its federal counterpart, these laws no longer identified a woman’s chastity as essential to the crime. Rather these laws extended to “any woman or girl.”⁴⁷⁴

While lawmakers did not make these alterations directly to rape law, it is important to note the interconnectedness of sex crime laws and their execution. For example, although much of the Mann Act focused on the trafficking of women, it significantly influenced the interpretation and prosecution of all sex crimes. For instance, practitioners of the law often utilized the act’s vague language, including “debauchery” and “immorality,” to police and prosecute any sex between consenting unmarried adults.⁴⁷⁵ Likewise, Montana law lumped the crimes of seduction, adultery, and rape into

⁴⁷³ Montana Rev. Code Ann. § 8344 (1907). Emphasis is mine.

⁴⁷⁴ Montana Rev. Code Ann. § 8341- 8342g (1915).

⁴⁷⁵ Sarah Carter, *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915* (Edmonton: University of Alberta Press, 2008), 3.

a single category and *State v. Williams* argued, “if the proof of rape fails, a conviction can be sustained under the statutes . . . for fornication or adultery.”⁴⁷⁶ Locally, Butte court’s often dismissed adultery and rape charges when the parties married despite the fact that only seduction law formally recognized marriage as a resolution.

A close examination of Butte trial transcripts and state supreme court decisions in the 1910s illustrates that despite reformers’ fear for women’s well-being and the change in sex crime law, juries, judges, and lawyers continued to struggle with what a lack of chastity meant for women. After the passage of the Mann Act, the easy distinction between good and bad women in written law fell away. In some ways, this marked an important legal step toward successfully prosecuting crimes against women. Montana citizens, however, remained skeptical of rape complaints, and in the absence of a legal expectation of chastity, consent, resistance, and vindictive complaints became the mode by which lawyers, juries, and judges drew distinctions between real victims and those who were not.

Throughout the early part of the century, the Supreme Court of Montana, guided by federal law, repeatedly addressed the issue of a woman’s chastity affecting her credibility, and consistently ruled that this line of evidence was inadmissible. In these instances, the court followed a general principle laid out in *People v. Johnson*, a California case: “‘if this class of evidence was admissible as going to the credibility of the prosecutrix [in a rape case] in its entirety, then it would be equally admissible as against the veracity of any female called upon to give evidence in a case.’ ‘Yet no such

⁴⁷⁶ *State v. Williams*, 9 Mont. 179; 23P. 335 (1890).

principle is recognized anywhere.”” Indeed, this rule, was “even extended to prostitutes,” especially if they were under age.⁴⁷⁷

This is not to say that lawyers, juries, and judges did not use a woman’s lack of chastity against her in a court of law. The use of a lack of chastity, however, “was [only] admissible to show the probability of consent.”⁴⁷⁸ In this moment, prior sexual acts were not yet linked to a woman’s propensity for truth. In 1918, the Bench and Bar of Western States commissioned George S. Berry to compile a reference of major decisions and treatises in American law in Western states. Meant as a quick reference to civil and criminal law for lawyers and judges, the guide covered a range of evidentiary issues, including the relevancy of facts, the use of expert testimony, and the admissibility of public facts. Of interest here, is the admissibility of character. In this context, character spoke to the general reputation of a person.⁴⁷⁹ Western states tended to agree that the prosecution and defense could introduce the character of the injured party if the crime was committed in self-defense and in order to determine whom the aggressor was in instances of violence. For example, the defense could introduce the character of the deceased in murder cases or the character of the complainant in assault cases in order to substantiate the defendant’s claims of self-defense.⁴⁸⁰ Conversely, in sex crimes and crimes against women, the character of the complainant, when she was over eighteen,

⁴⁷⁷ *People v. Johnson*, 106 Cal. 289, 39 P. 622; *State v. Duncan*, 82 Mont. 170; 266P. 400 (1928).

⁴⁷⁸ Sir James Fitzjames Stephen and George S. Berry, *A Digest of the Law of Evidence* (Denver, Colorado: W.H. Courtwright Publishing Company, 1918), 917.

⁴⁷⁹ Stephen and Berry, *A Digest of the Law of Evidence*, 452.

⁴⁸⁰ *Ibid.*, 453, 455.

was always admissible “to indicate the probability of consent.”⁴⁸¹ In these cases, the law most often tied “proof” of a woman’s character to her chastity. Again, the law and its practice did not link a woman’s character or chastity to her veracity. In fact, while Western states allowed these facts to be introduced, they stipulated, “her answer may not be contradicted.”⁴⁸² While a woman might have engaged in prior sexual acts, this did not mean that she was not credible, rather it meant that if she consented in the past, she was perhaps more likely to have consented again. This was certainly not a positive use of character and certainly worked to undermine women’s complaints, but this distinction is an important one, as in years to come, courts would more frequently link women’s lack of chastity to their ability to be truthful.

Although the State Supreme Court of Montana did not lay down an invariable rule on the introduction of character, except to say that it was inadmissible in nonage cases, the court and lawyers in lower courts repeatedly called on rules stipulated in other states, including California, Texas, and Utah. It was common for Montana lawyers to introduce a prosecuting witness’s character as it related to chastity or to demonstrate how easily she may have succumbed to other immoral activity, including drinking and unchaperoned visits with men. In this way, legal practice, often interpreting the law very liberally, attempted to establish distinctions between good and bad women.

Scrutiny of Mary Niemi’s character, for example, was central to trial proceedings. Twenty-one-year old Niemi, a Finnish immigrant, performed “mixed work” in the kitchen at Mrs. Kerkeln’s boarding house located on East Granite Street in Butte. She had

⁴⁸¹ Ibid., 462.

⁴⁸² Ibid., 917.

lived in Butte for eleven years, and since both of her parents were deceased, she was the primary caregiver for her twelve-year-old brother and fourteen-year-old sister.⁴⁸³ In May 1917, following her shift, she survived a rape. That night Frank Janosik (also known as Frank Kruger), a boarder, lured her to his room, showed her a gun, and forced her onto his bed where he raped her.⁴⁸⁴ Defense attorney A.B. Melzner was unable to directly introduce the issue of prior sexual acts because Niemi was the state's witness. He, however, attempted to tarnish Niemi's reputation and show the possibility of consent by establishing a pattern of behavior in which she failed to adhere to middle-class standards of womanhood. He created a narrative in which she had regularly been in and among the boarder's room and had allowed Janosik on several occasions to walk her home unchaperoned. Therefore, he argued, she likely willingly went to Janosik's room the night he raped her.⁴⁸⁵ Melzner also questioned her commitment to feminine sexual standards, asking, "You have always had it in your mind that you would never have intercourse with anyone before you was married and thought about it a great many times?"⁴⁸⁶ Later in the cross examination, he more directly questioned her chastity when he inquired as to the amount of pain she felt when "he [Janosik] got his private into yours?"⁴⁸⁷ Prosecuting attorney Frank Riley, in order to combat these claims, established that on the occasions that Niemi allowed Janosik to escort her home, she had done so

⁴⁸³ State of Montana v. Frank Janosik, September 29, 1917, District Court Second Judicial District, County of Silver Bow, register/case no. 4901, Butte-Silver Bow Public Archives, Butte, Montana, 2, 4.

⁴⁸⁴ Ibid., 4.

⁴⁸⁵ Ibid., 29-30.

⁴⁸⁶ Ibid., 31.

⁴⁸⁷ Ibid., 34.

only as friends.⁴⁸⁸ Additionally, he demonstrated that she was not in the habit of entering men's rooms or the rooming house at all. Specifically, he asked, "Did you have anything to do with the rooming house?/No sir./Where was the boarding house?/Downstairs in the basement./Where was the rooming house?/Upstairs, on two upper floors."⁴⁸⁹ Riley's questions regarding her lack of involvement with the rooming house, likely worked to show beyond a reasonable doubt that she was a lady and not a prostitute. While the written law made no distinction between prostitutes and non-prostitutes, in the minds of Butte jury members, whose homes and businesses may well have backed up to the city's bustling red-light district, this intimated distinction between a "bad" woman and a "good" woman was likely very clear. While the outcome of the case is unknown, Justice Court Judge Louis A. Buckley found the evidence sufficient to bind the case over to District court and set Janosik's bail at \$1,000.⁴⁹⁰

As Montana cases illustrate, the amount of resistance a woman exerted in order to prevent a loss of virtue was likewise a measure of a woman's character. Drawing on cultural narratives that presumed a woman's loss of virtue was worse than death, lawyers and judges attempted to distinguish between "good" women (those who resisted) and "bad" women (those who did not). In the first two decades of the century, however, the amount of resistance necessary to establish a plaintiff as a victim varied from case to case and justices seemed to recognize a range of levels and types of resistance.

On the one hand, Montana rape law seemingly recognized explicit non-consent and implicit non-consent as well as forms of non-forcible rape. More careful inspection

⁴⁸⁸ *Ibid.*, 17-18, 9.

⁴⁸⁹ *Ibid.*, 6.

⁴⁹⁰ *Ibid.*

of the law and the information filed for individual cases suggests this was not uniformly the case. Between 1900 and 1950, section four of the law's definition left room for a woman's lack of resistance in stating that threat, intoxication, unsoundness of mind, and fear may reasonably prevent a woman from resisting. The majority of rape complaints filed in Butte, however, were done so under section three of the law, which identified rapes in instances when the woman resists, "but her resistance is overcome by violence or force."⁴⁹¹ Perhaps the very lopsided way in which district attorneys selected the information to file for individual crimes evidences how inconceivable it was to an exclusively male legal system that a woman would not resist under any circumstance.

In instances where the prosecuting attorney charged that the crime had been committed by force, as defined in section three, the courts required that the state prove resistance in order to establish non-consent. The State Supreme Court of Montana set the precedent for gauging consent and non-consent based on resistance in *State v. Needy* (1911). In 1905, twenty-five-year-old George Needy and a twenty-one year old woman, whose name was not listed on court records, attended a dance in Bozeman, Montana. On their way home, Needy guided the woman down a side street and under a tree where he raped her. A Bozeman court prosecuted George Needy for rape. The jury convicted him of assault in the second degree. Needy's appeal to the state supreme court argued that evidence of the crime was insufficient, as the prosecuting witness did not exercise the resistance necessary to establish that he had committed the crime by force. The supreme court reversed the guilty verdict, arguing, "If there be consent, however reluctantly given and even though accompanied by verbal protests and refusals . . . [if] the act is not

⁴⁹¹ Montana Rev. Code Ann. § 94-4101 (1947).

accomplished by force . . . [it] does not constitute rape.” The court further declared, “While the prosecutrix may not have given ready consent to the act of intercourse, she did not offer any physical resistance which it required force to overcome . . . there was no rape, neither was there an assault.”⁴⁹²

When the prosecution filed a complaint under section four, however, the courts were sometimes willing to concede this point. In *State v. Morrison* (1912), the appellant, in addition to charging that the indictment was insufficient, also argued that proof of her resistance, an element necessary to establishing the crime, was absent. In this instance, the Supreme Court of Montana, holding fast to the letter of the law upheld the conviction, arguing,

When the information stated that the act was committed by force and violence, and against the will and consent of the female, it was substantially equivalent to stating that she resisted, but that her resistance was overcome by violence, or that she was prevented from resisting by threats of immediate and great bodily harm, accompanied by apparent power of execution . . . We think the foregoing is both good common sense and good law.⁴⁹³

Simultaneously, however, the justices concluded their opinion by explaining that they ultimately believed that the evidence was insufficient, but in a jury system it is the jury’s prerogative to believe the prosecuting witness: “Suffice it to say that, in our judgment, it has substance enough to warrant a verdict of guilty, if the jury believe the *tale* of the prosecutrix. The writer of this is of the opinion that . . . the jury ought not to have believed her *story* . . . but they did believe it, and it was their privilege and province

⁴⁹² *State v. Needy*, 43 Mont. 442; 117P. 102 (1911).

⁴⁹³ *State v. Morrison*, 46 Mont. 84; 125P. 649 (1912).

to do so, if they saw fit” (italics mine).⁴⁹⁴ The justices’ reference to the prosecuting witness’ “tale” legitimized legal suspicion of complaints.

Following World War I, attitudes toward women’s sexuality shifted significantly. As Montana cases illustrate, in the previous decades, the legal system and social reformers viewed women as susceptible victims of men’s devious actions. In the postwar years, however, they increasingly viewed women’s sexuality as a potentially dangerous pathology. As such, Montana courts met complaints with greater suspicion and frequently held women to a heightened dual standard. While Montana law codes themselves remained the same, the issue of chastity came to the forefront in debates regarding the interpretation of law and the introduction of evidence. Specifically, Montana courts began to adopt and incorporate beliefs that a lack of purity was inconsistent with the ability to be truthful. Likewise, the amount of reasonable resistance courts and juries expected women to use drastically increased. Rather than controlling female sexuality as a way to protect women, following WWI, lawmakers increasingly sought to contain it as a way to protect men.

The escalated entrance of women into the workforce, their presence in places of public entertainment, and their participation in growing sex culture challenged socially held assumptions about appropriate feminine behavior and caused alarm across the nation. As opposed to the 1910s, when prostitutes engendered sympathy from moral reformers who believed they had had their innocence snatched away from them, in the postwar years, they blamed women for seducing men into sexual encounters and worse

⁴⁹⁴ Ibid.

spreading venereal disease.⁴⁹⁵ The practice of feminine sexuality, according to physicians, the public, and the law, was more than a youthful rebellion, it was a disease inconsistent with truthfulness, morality, and the healthy development of young women.

As a belief that women's sexuality was vulnerable fell to the wayside and women were constructed as dangerous seductresses, rape law, too, turned its attention to the increasing threat women seemed to pose. The Montana State Supreme Court first opened the door to the admittance of a woman's sexual past for the purpose of affecting credibility in 1922. On June 25, 1920, the district attorney of Flathead County, Montana, filed a formal complaint charging Joseph W. Richardson with raping fourteen-year-old Mary Richardson. Four years earlier, Joseph and his wife adopted Mary. The family traveled from Saskatchewan, Canada, to Minnesota before parting ways. In 1920, Mrs. Richardson temporarily moved to California while Joseph and Mary traveled first to Texas and then on to Kalispell, Montana. According to Mary, the sexual assaults had started soon after she joined the family. On December 7, 1920, a jury found Joseph guilty of rape and the court denied him a new trial. Appealing both actions, the defense brought the case to the Montana State Supreme Court on April 15, 1922. In a little under a month the court submitted an opinion which affirmed the verdict due to nonage.⁴⁹⁶

Although the court upheld the guilty verdict, for the first time, it opened the door for the admissibility of evidence that spoke to a prosecuting witness' prior sexual acts for

⁴⁹⁵ See Michael A. Rembis, *Defining Deviance: Sex, Science, and Delinquent Girls, 1890-1960* (Urbana: University of Illinois Press, 2013); Friedman, *Redefining Rape*; Hallett, *Go West Young Women*.

⁴⁹⁶ *State v. Richardson*, 63 Mont. 322; 207P. 124 (1922).

the purpose of undermining her credibility. Whereas in earlier legal practices, chastity was only admissible “to indicate the probability of consent,” Montana courts now tied a lack of virtue to a woman’s reliability.⁴⁹⁷ Specifically, citing decisions in Oklahoma and South Dakota, the court in *Richardson* came to the opinion that while chastity was inadmissible in cases of nonage where “consent is not a defense,” it implied that knowledge of prior sexual acts as a means “to affect the credibility of the prosecutrix” was admissible in cases where the woman was above age.

While the majority of justices agreed that chastity and truthfulness were a nonissue in this case because the witness was only fourteen, Justice Albert J. Galen dissented, arguing that this line of evidence should be included. Indeed, where earlier legal practice stipulated that a woman’s answer to this line of questioning “may not be contradicted,” Galen asserted that even though Mary denied accusations levied against her purity, the court should have allowed the defense to call rebuttal witnesses.⁴⁹⁸ Additionally, Galen called for stricter standards in regards to women’s uncorroborated testimony, a principle that had remained unquestioned in earlier cases.⁴⁹⁹

Notably, this was a statutory rape claim. Whereas in the past, Montana courts easily accepted the rape of a woman under the age of consent as *real* rape, in the 1920s even women of nonage found it increasingly difficult to find justice within the legal system. In fact, it was in part due to the ease with which courts decided in favor of underage plaintiffs in the 1910s that members of the justice system raised this issue. In the 1920s, under new constructions of female sexuality, legal practitioners more readily

⁴⁹⁷ Stephen and Berry, *A Digest of the Law of Evidence*, 462.

⁴⁹⁸ *Ibid.*, 917; *State v. Richardson*, 63 Mont. 322; 207P. 124 (1922).

⁴⁹⁹ *State v. Richardson*, 63 Mont. 322; 207P. 124 (1922).

accepted that women could and might very well have been the sexual aggressor. Thus across the nation the punishment of men, who may have been duped into sex with an underage girl, was lamented. As more young people engaged in premarital sex, U.S. culture came to more frequently view women, even those under age, as potentially dangerous seductresses.⁵⁰⁰

The Supreme Court of Montana further solidified links between chastity and a woman's veracity in *State v. Duncan* (1928). In March 1928, Jesse Duncan appealed a guilty verdict on the grounds that District Court Judge William L. Ford of Wheatland County, Montana, improperly excluded evidence which called into question Anna Williamson's chastity "for the purpose of affecting her credibility as a witness." While the court again upheld the guilty verdict, they concluded that

we have gone heretofore as far as we can in cautioning courts and juries against the too ready acceptance of the uncorroborated testimony of the girl in such cases as this, and, although it may be a sociological truism that young girls without sex morals are also lacking in veracity, the science has not yet reached a stage where its fiat can be incorporated in instructions based upon proof of laxity of morals.⁵⁰¹

Although the court was unwilling to allow juror instructions to explicitly connect veracity and chastity, citing a lack of scientific proof, its claim that uncorroborated testimony was suspicious was at odds with earlier majority opinions. In the 1922 Richardson case, all of the justices, with the exception of Galen, held that the uncorroborated testimony of the complaining witness was sufficient evidence of the

⁵⁰⁰ See, Freedman, *Redefining Rape*, 162. Here Freedman discusses her findings, which demonstrate that statutory rape cases across the country tended to be more lenient on men in the 1920s.

⁵⁰¹ *State v. Duncan*, 82 Mont. 170; 266P. 400 (1928).

crime.⁵⁰² In 1928, it seems that more justices agreed with Galen's 1922 dissenting opinion.

The growing suspicion of women's complaints and women more generally is also evident in the Montana courts' belief that they easily and maliciously invented rape charges. While this trepidation had existed in the 1910s, when individuals, including Frank P. Whicher, expressed fear over early twentieth century rape law, the state supreme court did not officially introduce this type of warning in Montana legal practice until the 1920s. In *State v. Moe*, the court argued, "the charge is easily made and hard to disprove." In 1925, in *State v. Hennessey*, the court further argued that the fear of false complaints was "universally recognized."⁵⁰³ Similarly, after WWI, county attorneys in Butte were more likely to drop cases based on fears that they were simply vengeful complaints. In 1919, for example, when Emma Mandich filed rape charges against Mike Smith, the court quickly dismissed all charges, claiming that the allegations were nothing more than "spite work."⁵⁰⁴ Likewise, Ina Lipponen, who fought off an attempted rape after a male coworker broke into her home, was asked if she had brought forth a complaint in order to exact revenge: "Did you tell any of the employees at the Leland

⁵⁰² Montana Rev. Code Ann. § 7861 (1907); *State v. Frank Vinn*, 50 Mont. 27; 144P. 773 (1914). In *Vinn* the justices used section 7861 of the legal codes, which reads, "the evidence of the prosecutrix alone, if believed by the jury, is sufficient to sustain a conviction," to support their opinion to affirm Vinn's conviction.

⁵⁰³ *State v. Hennessey*, 73 Mont. 20, 28; 234P. 1094 (1925).

⁵⁰⁴ *State v. Mike Smith*, *Records of Criminal Action*, Justice Court, March 7, 1919, Vol. 14, pg. 286, Butte-Silver Bow Public Archives, Butte, Montana.

Café that you was going to get even with . . . the defendant?” Ultimately the court also dismissed her case.⁵⁰⁵

In the execution of rape law in Montana, resistance and chastity remained linked, as in earlier years. As suspicion of female sexuality grew in the 1920s, however, the burden to prove resistance fell more squarely on the shoulders of complaining witnesses. Montana rape law as written still provided for explicit non-consent and implicit non-consent due to threat, intoxication, unsoundness of mind, and fear and for forms of non-forcible rape. However, the expectations of proof of resistance within the courtroom heightened to near impossible levels. Mary Shea described the fearful afternoon in 1921 when Thomas Reagan entered the Lewis home where she worked as a domestic. He violently grabbed her by the back of the neck and forced her, “as though I were a baby,” into the next room.⁵⁰⁶ She kicked wildly behind her.⁵⁰⁷ He threw her like a child onto the davenport, held her arms down, and using his knee, spread her legs apart in an attempt to rape her.⁵⁰⁸ Despite Shea’s violent resistance, defense attorney Canning, in his cross-examination argued that she had not resisted to the utmost even in the face of Reagan’s extreme force. Canning asked Shea how many times she kicked, with which leg, and why she did not resist in any other way.⁵⁰⁹ When she replied that she was too scared and Reagan was too big to fight off, Canning used her resistance against her: “You weren’t

⁵⁰⁵ State v. Henry Poulos, July 26, 1920, District Court Second Judicial District, County of Silver Bow, register/case no. 5653, Butte-Silver Bow Public Archives, Butte, Montana, 8.

⁵⁰⁶ State of Montana v. Thomas Reagan, November 3, 1921, District Court Second Judicial District, County of Silver Bow, register/case no. 5831, Butte-Silver Bow Public Archives, Butte, Montana, 15.

⁵⁰⁷ Ibid., 18-19.

⁵⁰⁸ Ibid., 28.

⁵⁰⁹ Ibid., 18.

too scared to kick him; it didn't paralyze all your muscles?"⁵¹⁰ Canning later asked Shea why she did not call out: "Of course you screamed?/No sir./You hollered?/No sir, I was not able to./Call for help?/No sir./Didn't do a thing?/Well I couldn't./You didn't as a matter of fact?"⁵¹¹ Again, the outcome of this case is unknown.

In an appeal to an equally violent attempted rape case, *State v. Hennessey* (1925), the Montana State Supreme Court defined the new expectations of resistance. In this case, the court argued, "to warrant conviction for [even] an attempt to commit rape by force, the evidence must be sufficient to establish beyond a reasonable doubt that the defendant assaulted the prosecutrix with the intention to accomplish his purpose at all events and notwithstanding any resistance on her part." The acceptance of this logic demonstrates the impossible standards of resistance courts held women to and the very fine line women had to walk between enough and too much opposition. On June 24, 1924, a jury convicted John Hennessy, a Catholic priest, of an attempted rape against Martha O'Connor, a domestic servant in his home. On January 11, 1924, O'Connor reported to work between 1:00 and 2:00 in the afternoon. While she was working in the parlor, Hennessey approached her and wrapping "his arms around her body," promised her \$30 to clean his house and more if she was good to him. She asked him to release her so she could complete her work. Although he temporarily left her, when she entered the bedroom to clean, he grabbed her, threw her on the bed, and pinned her down with his leg. He pulled her clothes up and felt all over her body while she struggled to break free. Yelling "no," O'Connor managed to escape and run to the kitchen. The priest followed

⁵¹⁰ *Ibid.*, 21.

⁵¹¹ *Ibid.*, 27-28.

her there and again pinned her with his legs and swung at her. She physically and verbally resisted and again he retreated. On his third attempt, with more brutality, he grabbed her and held her against the wall so tightly that she ““couldn’t say a word, couldn’t breathe, or move a finger.”” She again managed to escape. Dashing to the kitchen, she quickly grabbed her belongings, and ran to Mrs. Marvick’s house.⁵¹²

Although O’Connor physically and verbally resisted, ran from the home, and sought safety at a neighbor’s house, and although Hennessey used extreme force to attempt his purpose, the supreme court argued that she clearly had not resisted enough. After relaying the events of the crime, the court asked, if Hennessey had in fact intended to rape her at all costs and not withstanding resistance, then “why did he not accomplish his purpose?” Because Hennessey did not succeed in his attempted rape, the court claimed that his “intention of gratifying his passion on her person at all events” was entirely unclear. Additionally, the court found the type of physical resistance she used wanting. She struggled, but she did not strike or scratch him. Indeed, her failures to resist more adequately, as far as the state supreme court justices were concerned, “disclosed a course of conduct on her part clearly inconsistent with the idea that she believed at any time she was in danger of being ravished.”⁵¹³

Returning to Hennessey’s actions, the supreme court found it entirely “contrary to reason [and] common sense” that a man would kiss and beg his intended victim. They believed it was absurdly unlikely that after he failed, he would have asked her not to tell anyone about his behavior. In addition, they argued that the only way she could have

⁵¹² State v. Hennessey, 73 Mont. 20; 234P. 1094 (1925).

⁵¹³ Ibid.

escaped was if it was his will that she do so. While the court agreed that his actions were reprehensible, they did not see a crime and thus they reversed his conviction and ordered the case dismissed.⁵¹⁴

Indeed, as discussed in chapter two, the unsolicited touching, groping, and kissing that the justices found to lack the violence necessary to call force, became more commonplace in the 1920s. As greater numbers of women entered the workforce, men frequently used this type of behavior as a way to underscore gender differences and maintain hierarchies that skill and predominately separate spheres used to provide.⁵¹⁵ In fact, a close reading of Butte case files indicates that following WWI, Butte women were frequently attacked by male co-workers or men they met at work. Thus, O'Connor's attempt to return to work after Hennessey's first two attempts had become the expected deference of working-class women in the 1920s. This type of sexual abuse, which justices argued, "indicate[d] his desire and intention to determine whether the prosecutrix would offer resistance to his advances" demonstrates the inadequate legal and cultural interpretation of sexual assault that only criminalized sexual hostility when it resulted in intercourse.⁵¹⁶ Moreover, it illustrates a belief that sexual aggression was an appropriate way for men to "test" the waters of a woman's consent, and the leniency that the court granted legitimized this belief. It worked to perpetuate a system in which women,

⁵¹⁴ Ibid.

⁵¹⁵ Daniel E. Bender, "'Too Much of Distasteful Masculinity:': Historicizing Sexual Harassment in the Garment Sweatshop and Factory," *Journal of Women's History* 15, no. 4 (2004), 93.

⁵¹⁶ Hennessey; Susan Estrich, *Real Rape*, (Cambridge: Harvard University Press, 1987), 13.

according to data collected for violent crimes in Butte, were increasingly more likely to be the targets of male aggression.

* * * * *

On a Sunday evening in 1902, Mrs. Mary Knaf swallowed a lethal dose of carbolic acid. The coroner's jury, observing the body of the dark haired, dark eyed thirty-four year old, determined that years of "gross neglect, infidelity and abuse" prompted her suicide and declared it "a lamentable fact that there is no law through which" her husband could be punished.⁵¹⁷ Rarely did juries in suicide cases reflect on the circumstances that may have driven the deceased to take their own lives. This case is unique in that it demonstrates that members of the coroner's jury, made up of Butte residents, likely knew about the repeated assaults Knaf survived at the hands of her husband. It likewise illustrates their momentary reflection on the law's inability to protect her and wives like her. The state of Montana, however, would not adopt a law specifically addressing wife assault until 1985.

In sharp contrast to the history of rape law, the laws under which courts tried wife assault in Montana demonstrate a historical and legal continuity. Between 1900 and 1985 wife assault fell into the more general category of assault. Although the law under which women could file complaints remained largely unchanged, the execution of that law did alter. Through the 1930s, Montana courts frequently called on a wife's failure to fulfill her submissive domestic role as provoking assault. A change in the execution of law, however, is evident in trial transcripts from the 1940s. In the 1940s, the question of how

⁵¹⁷ Coroner's Register, December 1901-April 1903, Butte-Silver Bow Public Archives. Butte, Montana, 52.

successfully a wife performed her domestic tasks shifted to one regarding whether or not she was in the home at all.

Wife assault remained lumped in with the more general crime of assault at both the state and municipal level for the first two-thirds of the twentieth century. The state of Montana broke assault into three categories, first, second, and third. First-degree assault, the most severe form of assault, was defined as an assault committed “with the intent to kill a human being, or to commit a felony . . . with a loaded firearm, or any other deadly weapon, or by any means or force likely to produce death” or intentionally poisoning another person. If convicted of assault in the first-degree, perpetrators faced five to twenty years in prison. Second-degree assault included the administering of a poison or narcotic with intent to injure or commit any crime, or an instance in which the perpetrator willfully “wounds or inflicts grievous bodily harm” with or without a weapon and was punishable by one to five years. Third-degree assault covered any assault or assault and battery that did not fall into either of the previous two categories and was punishable by “not more than six months, or by a fine of not more than five hundred dollars, or both.”⁵¹⁸ As the state of Montana did not formally recognize wife assault, it left the definition of the crime and the evidentiary burdens almost entirely to its execution.

While assault law as written promised equal protection for both female and male survivors, the execution of law often adhered to a gendered bias. Butte trial transcripts reveal that in the 1910s, the types of provocation that lawyers, judges, and juries believed could reasonably justify assault differed significantly between instances of wife assault and instances of male-on-male or stranger assault. Specifically, while the latter required

⁵¹⁸ Montana Rev. Code Ann. § 10976, 10977, 10978 (1921).

physical threats or harm to provoke an assault, courts deemed violence in the former reasonable if wives failed to perform their expected domestic duties. In April of 1918, twenty-one-year old Mary Parks traveled from St. Louis to Butte. Her husband was away on business and she took the opportunity to return to her hometown and visit her parents, Ella and Max Schonberger.⁵¹⁹ On April 26, Max pulled a gun on Ella, Parks, and Henry, his sixteen-year old son. One of many abusive acts in his long history of violence, this attack prompted Parks to file a complaint against her father on her mother's behalf. He beat and threatened my mother, "Ever since I can remember," Parks testified in Butte's District Court.⁵²⁰ Max, in justification of his actions, attempted to demonstrate the difficulty of his domestic situation. He claimed that Ella was negligent in the performance of her domestic tasks: "She [Ella] never put a plate on my table. Once in a while she wash the dishes; other times I wash them."⁵²¹ When state's attorney A.C. McDaniel recalled Parks to refute Max's claim, he sought to clarify that Ella had not in fact neglected her wifely duty: "Does he ever eat at the table with rest of the family?/Only once in a while./Does he do his own cooking?/No sir./Who does his cooking?/Mama cooks it and lays it on the table./Your mother sets the table for him?/Yes sir. He comes in and eats whenever he pleases."⁵²² Max's defense, which sought to justify his actions by establishing that he endured domestic distress and the prosecuting attorney's rebuttal to those claims illustrates the strength of common assumptions

⁵¹⁹ State of Montana v. Max Schonberger, May 1, 1918, District Court Second Judicial District, County of Silver Bow, register/case no. 5071, Butte-Silver Bow Public Archives, Butte, Montana, 19-23.

⁵²⁰ Ibid., 5, 18, 19.

⁵²¹ Ibid., 27.

⁵²² Ibid., 29.

regarding a wife's potential fault for her victimization. If Ella had in fact failed to fulfill her wifely duties, as stipulated in Montana laws, including Butte's "Duty to Serve Husband" law, abuse might be a reasonable response from her husband. We will never know if a jury agreed with Max's justification. Before the trial concluded, Max flew into another violent rage. Sixteen-year-old Henry, defending his family, shot and killed his father on December 28, 1918. The court exonerated Henry, who it said acted in self-defense and in defense of his mother.⁵²³

Butte trial transcripts also suggest that verbal provocation was a regular justification for wife assault. On February 2, 1917, at approximately 12:00 a.m. John Conway climbed a steep, snow-covered roof to access a window to his estranged wife, Della's, apartment.⁵²⁴ Once inside, he walked down the hall to the kitchen where, grabbing a kitchen chair, he severely beat her. Her screams roused her neighbor, William A. Murray, who ran to her assistance. According to his testimony, he found her, "bleeding profusely and all over her back . . . covered with blood and it was coming fast."⁵²⁵ Despite seven witnesses, evidence of the head wounds and the broken chair, and the fact that John had broken into the apartment where Della had been living since their separation the previous June, a large portion of the questioning focused on what she might have done to provoke the attack. Early in the examination, T. E. Downey, attorney for the state, in order to establish the guilt of the accused, sought first to establish Della's

⁵²³ State of Montana v. Henry Schonberger, Register of Criminal Actions, District Court, Second Judicial District, State of Montana, register/case no. 5230; "Gun is Used by Son Against Father in Dispute," *Montana Standard*, December 29, 1918.

⁵²⁴ State of Montana v. John Conway, February 21, 1917, District Court Second Judicial District, County of Silver Bow, register/case no. 4639, Butte-Silver Bow Public Archives, Butte, Montana, 15, 5, 16. .

⁵²⁵ *Ibid.*, 13.

innocence: “And when he committed the assault on you in the kitchen had you said anything?”⁵²⁶ Later when questioning the Conways’ son, Downey resumed this line of questioning, asking, “Did your mother do anything that would cause your father to become angry? . . . Did your mother have any words with your father? . . . Would you state whether or not your father had at that time any just reason to hit your mother?”⁵²⁷

Although the law had ceased to explicitly recognize a husband’s right to excessive abuse, Della and her lawyer had to contradict the belief that a husband might justifiably turn to abuse when verbally provoked or when his wife failed to perform her domestic work. The jury, likely persuaded by the fact that John was a repeat offender who broke into Della’s house, found him guilty of second-degree assault and sentenced him to two to five years in the state penitentiary.⁵²⁸

Even as the social landscape shifted, the belief that women, if they did not adhere to domestic feminine standards, could be to blame for their victimization persisted into the 1930s. Married in 1917, Clara Coutts had endured years of abuse at the hands of her husband James. In the course of their fourteen-year marriage, James beat Clara with a stone, whipped their children, and repeatedly threatened the lives of all three.⁵²⁹ In 1931, Clara filed an affidavit for peace bond against him.⁵³⁰ This, however, was not the first time she had taken legal action. She had previously filed failure-to-support charges

⁵²⁶ Ibid., 4.

⁵²⁷ Ibid., 9, 10.

⁵²⁸ Ibid., verdict slip. John was recently released from jail after serving five days for a disturbance charge that Della filed.

⁵²⁹ State of Montana v. James H. Coutts, October 8, 1931, “In the Justice’s Court, Silver Bow Township, Silver Bow County, State of Montana, Before John Corbitt, Justice of the Peace,” Unprocessed Collection, Butte –Silver Bow Public Archives, Butte, Montana, 3.

⁵³⁰ Ibid., 3, 4, 6.

against James. Although the courts found in Clara's favor in the case of non-support, Clara remained afraid of James' continual abuse, testifying, "when he comes in the back gate I tremble, I don't know whether he is going to start on the children or me."⁵³¹ The preliminary hearing, as in cases in earlier years, focused on what Clara might have done to cause attacks against her person, demonstrating the persistence of assumptions of patriarchal benevolence. The court continually asked Clara if she "use[d] any profane language?"; if she "jump[ed] him at all about being late for supper?"; if they did quarrel, did she or did she not start it?⁵³² James, who represented himself, sought to show that Clara had accused him of being drunk and late. Calling Clara a "part time wife," James intimated that he was justified in beating his wife and whipping the children as all three had challenged his status as head of the household.⁵³³ Judge John Corbitt took the case "under advisement," but the outcome is unknown.⁵³⁴

While the laws regarding the roles of husbands and wives remained unchanged throughout the twentieth century, cultural understandings of men, women, and marriage had shifted. Well into the 1940s a concern with adherence to feminine behavior and wifely duty remained central to wife assault and wife homicide cases. A marked difference, however, was that changing definitions of femininity and motherhood altered the criticism levied against abused women. Rather than concern over women's conduct in the home, trials in the 1940s evidence increasing concern with women's absence from the home and behavior

⁵³¹ Ibid., 6, 12.

⁵³² Ibid., 13, 15.

⁵³³ Ibid., 6, 7, 15.

⁵³⁴ Ibid., 16.

on the streets. As such, judges and juries would determine women's status as possible victims/survivors with this new standard.

The contradictory nature of 1940s gender politics legally and politically granted women new freedoms while simultaneously restricting behaviors deemed appropriate for women. In the 1947 best-selling text, *Modern Woman: The Lost Sex*, authors Ferdinand Lundberg and Marynia F. Farnham reflected growing concern over women in public life. They recognized that the 1940s modern woman had greater freedom, as she “may vote, serve on juries [in most parts of U.S.] . . . own her own property . . . be economically independent of any man . . . have an education . . . [and] come and go as she pleases” with greater ease.⁵³⁵ At the same time, however, the authors aligned many of these behaviors with masculinity, depicting them as socially inappropriate for women. In discussing the modern woman, the authors declared that “her development parallels that of the masculine-aggressive woman” and “we are . . . certain that the more modern they are” the less likely they are to be “leading a life that is, on the whole, satisfactory to themselves and their associates.”⁵³⁶ The authors, expressing special disdain for women participating in public amusements, claimed that modern women, even those who were housewives, “are functionally little more than wastrels . . . seething into afternoon movies, tea shops, cocktail lounges, expensive shopping centers and the like in historically unprecedented numbers.” These “aimlessly idle women,” according to the authors, failed to exhibit ideal femininity. They described them as neurotic, parasitic, and

⁵³⁵ Ferdinand Lundberg and Marynia F. Farnham, *Modern Woman: The Lost Sex* (New York: Harper and Brothers Publishing, 1947), 19.

⁵³⁶ *Ibid.*, 218, 201.

lacking in erotic appeal.⁵³⁷ While in earlier decades, the measure of a woman's adherence to femininity rested in the quality of her domestic labor, in the 1940s criticism levied against women expressed the anxieties of a postwar society who looked to women to return to the home.

The complexity of women's social position in the WWII era and the power and persistence of patriarchal notions of femininity and wifely duty is nowhere more apparent than in the life and death of Hazel Alda (Henri) Kauf. This case shows that even as legal and political constraints on women lifted, cultural beliefs that dictated women's and wives' behaviors continued to perpetuate the narrative that wife assault, in some situations, can be justified. The justification, then, adapted to changing gender constructions, but the central argument remained the same.

Hazel's life, in many ways, resembles the lives of women across Montana and the United States during WWII. The first of two children, she was born in 1922 to Alva and Robert Henri.⁵³⁸ Hazel, whose family left Montana only briefly, spent most of her life in Philipsburg, where she likely met Howard Kauf, the son of a local miner.⁵³⁹ On October 1, 1936, fourteen-year-old, Hazel, claiming to be eighteen, married twenty-three-year-old

⁵³⁷ *Ibid.*, 210.

⁵³⁸ Hazel Henri Kauf's exact birthday is unknown. Although her marriage certificate lists her birth date in 1918, all other records, including the Federal census and her death certificate, date her birth between 1921 and 1922.

⁵³⁹ 1930 U.S. Census, Spokane, Washington, population schedule, p. 20A, dwelling 122, family 127, Robert Henri and Hazel Henri; 1920 U.S. Census, Butte Ward 3B, Silver Bow, Montana, population schedule, pg. 7A, dwelling 149, family 177, Homer Kauf and Howard Kauf.

Howard.⁵⁴⁰ In the early years of their marriage, the couple rented a home in Philipsburg, and in 1941, Hazel gave birth to their son, Ray Edward Kauf.⁵⁴¹

During the first few years of the war, Howard worked as a manganese miner, but on February 16, 1945, he enlisted in the U.S. Navy. Serving as a seaman first class, Howard joined fifty-seven thousand other Montana men and women in the armed services.⁵⁴² Shortly after Howard's first deployment, Hazel and her son moved to Butte, where they rented a room at the uptown Fox Hotel.⁵⁴³ Economic necessity likely prompted Hazel's move, as she along with 1,360,000 military wives across the nation, entered the work force.⁵⁴⁴ Although women's employment during WWII is often associated with patriotic duty, for many military wives, work outside of the home was essential. Even after the 1942 Servicemen's Dependents Allowance Act provided a monthly stipend to military families, most found it difficult to make ends meet.⁵⁴⁵ It is likely that Hazel faced a similar predicament. The 1940s census showed that Hazel was unemployed in Philipsburg and not seeking a job.⁵⁴⁶ Shortly after her arrival in Butte,

⁵⁴⁰ Deer Lodge County, Montana, Marriage certificate no. 6910 (1936), Howard Kauf and Hazel Henri; Montana Division of Vital Statistics, Montana. Hazel lied on her marriage certificate and claimed that she was eighteen. However, it is important to note that age of consent laws, like rape law in general, did not apply to wives.

⁵⁴¹ 1940 U.S. Census, North Philipsburg, Granite, Montana, population schedule, pg. 1A, Howard Kauf and Hazel Kauf; "Officials Probing Details of Hazel Kauf Death: Ex-Navy Man Being Held in Jail; Inquest Scheduled," *Montana Standard*, February 10, 1946.

⁵⁴² "Officials Probing Details of Hazel Kauf Death," *Montana Standard*, February 10, 1946. Finn, *Mining Childhood*, 51.

⁵⁴³ Butte-Silver Bow County, Montana, Death certificate no. 50454 (1946), Hazel Kauf, Montana Bureau of Vital Statistics, Butte-Silver Bow Public Archives, Butte, Montana.

⁵⁴⁴ William M. Tuttle, Jr., *Daddy's Gone to War: The Second World War in the Lives of America's Children* (New York: Oxford University Press, 1993), 70-71.

⁵⁴⁵ *Ibid.*, 70.

⁵⁴⁶ 1940 U.S. Census, North Philipsburg, Granite, Montana, population schedule, pg. 1A, Howard Kauf and Hazel Kauf.

where jobs were more readily available, however, Hazel found employment as a waitress and as a clerk at a Park Street store.⁵⁴⁷

Women had varied responses to their separation from a military spouse. While some were devastated, others welcomed absences as a way to escape difficult marriages.⁵⁴⁸ Where Hazel fell on this spectrum will likely remain unknown. What is known, however, is that by 1946, the Kauf marriage was strained. In May 1945, Howard was on his second deployment, during which he eventually reached Okinawa.⁵⁴⁹ Howard recounted that during this deployment Hazel stopped writing, and when he returned to Butte in January 1946, he discovered that she had moved without notifying him. After locating her, Hazel agreed to meet, but always in public. She often took a cab home and never disclosed her address to Howard.⁵⁵⁰ Following her death, police “found a heavy-calibre[sic] revolver in a drawer of a small table” next to Hazel’s bed.⁵⁵¹ Again, we can not know for certain what Hazel was protecting herself from, but her estrangement from her husband and her refusal to disclose her address suggest that she may have feared Howard.

The Kaufs’ marital tensions came to a head on February 8, 1946. Shortly after 3:00 that afternoon, Hazel picked up Enos Thomas from work at the Finlen Hotel.⁵⁵² The two women proceeded to Butte’s District Court House at 126 W. Granite to complete the

⁵⁴⁷ “Officials Probing Details of Hazel Kauf Death,” *Montana Standard*, February 10, 1946.

⁵⁴⁸ Tuttle, *Daddy’s Gone to War*, 35.

⁵⁴⁹ “Officials Probing Details of Hazel Kauf Death,” *Montana Standard*, February 10, 1946.

⁵⁵⁰ *Ibid.*

⁵⁵¹ *Ibid.*

⁵⁵² Kauf, “Transcript of Testimony,” 58, 7, 58.

filing process for the Kaufs' divorce.⁵⁵³ When Howard failed to appear, the court granted Hazel a full divorce, custody of their five-year old son, and "thirty (\$30.00) dollars per month for ... [his] care, custody, and maintenance."⁵⁵⁴ After completing the paperwork, Hazel and Enos headed to the Atlantic Bar where they ran into their friends Mary Richards and Betty Taylor who were sharing their booth with Howard. Enos and Hazel squeezed in and the party ordered another round of drinks.⁵⁵⁵ All reports suggest that Hazel and Howard got along amicably, even toasting to and "celebrating their divorce" for the next several hours while friends came and went from the small table.⁵⁵⁶ Around nine in the evening, Hazel left Howard at the Atlantic and went over to the Aero, a small nightclub tucked into the basement of the Rialto Theater. The bar was comprised of approximately six booths, a dance floor, and an orchestra pit, from which live music floated through the low ceilinged room.⁵⁵⁷ While there, Hazel joined Enos and a few other friends at the end of the bar near the band and dance floor.⁵⁵⁸ Shortly before eleven, Angus Smith, a mechanic, and Jerry Augusta, a guard at the Warm Springs State Institution, in Butte for a Friday night out, entered the Aero. Noticing the group of women at the end of the bar, they introduced themselves. Smith asked Hazel to dance and the two stepped out onto the floor, but not before Augusta secured the next dance with Hazel.⁵⁵⁹ As Smith and Hazel exited the dance floor and pianist Gertrude Lyden

⁵⁵³ *Ibid.*, 58; Hazel Kauf v. Howard Homer Kauf, February 8, 1946, no. 41789, Reel 1946 - C-1, *Civil Cases*, 41707-41839, Butte District Courthouse, Butte, Montana.

⁵⁵⁴ *Kauf v. Kauf*.

⁵⁵⁵ Kauf, "Transcript of Testimony," 14, 15, 59.

⁵⁵⁶ *Ibid.*, 69.

⁵⁵⁷ *Ibid.*, 20.

⁵⁵⁸ *Ibid.*, 66.

⁵⁵⁹ *Ibid.*, 76-84.

arranged her music for the next number, Howard, who had come into the club sometime after Hazel, grabbed her by the arm “spun her around . . . and in the spin just . . . blasted that first one [shot].” The bullet entered through her chest, exited below her third rib, and passed just to the left of Lyden before lodging in the wall of the club.⁵⁶⁰ At the sound of the first shot and without realizing how close the bullet that passed through Hazel’s body had come to her, Lyden jumped behind the piano for cover.⁵⁶¹ Hazel fell to the ground and “was laying down on the floor” when Howard fired the second shot into her chest.⁵⁶² When Augusta ran to Hazel’s side, “she was gagging and choking and everybody was hollering and screaming . . .”⁵⁶³ Leonard Tokish, an acquaintance of the Kaufs, grabbed the gun from Howard and escorted Enos Thomas and Mary Richards away from the “gastly [sic]” scene.⁵⁶⁴ Looking back at John Duggan, the proprietor of the Aero Club, Howard apologized for shooting Hazel at his place.⁵⁶⁵ When officers arrived on the scene, Howard was standing over the dying body of Hazel. “I did it,” Howard said, and muttering to himself, “talked about shooting Japs . . . ‘This is nothing to me.’”⁵⁶⁶ Following the inquest and a five-hour deliberation by the coroner’s jury, the County Attorney charged Howard with first-degree murder, to which he initially pled not guilty.⁵⁶⁷ The first trial jury ended in a stalemate. After a long deliberation, the jury in the

⁵⁶⁰ Ibid., 85, 77, 78.

⁵⁶¹ Ibid., 84-86.

⁵⁶² Ibid., 78, 5.

⁵⁶³ Ibid., 78, 18, 84-86.

⁵⁶⁴ Ibid., 67, 66.

⁵⁶⁵ Ibid., 73.

⁵⁶⁶ Ibid., 19-23.

⁵⁶⁷ “Officials Probing Details of Hazel Kauf Death,” *Montana Standard*, February 10, 1946.

second trial found Howard guilty of second-degree murder, and sentenced him to the minimum penalty of ten years imprisonment.⁵⁶⁸

Despite the fact that there were numerous witnesses to Hazel's murder, the long deliberations by all the juries followed the inquest's focus on Hazel's social life in Butte and her failure to conform to feminine and wifely standards. Jurors' interpretation of her behavior illustrated that the "she was asking for it" narrative continued well into the 1940s. Unlike earlier cases, however, the concern over Hazel's adherences to feminine standards focused much more on her behavior outside of the home.

Although women in Butte did not enter the industrial workforce in large numbers during In the WWII era, women had greater access to jobs and higher education both nationally and locally.⁵⁶⁹ Indeed, Hazel, who was married as a young teenager, likely found great liberation in Butte. She was able to help support her family. She made a close-knit group of female friends, with whom she worked and relaxed, and she dreamed of saving enough money to open a dress shop. In many ways, this was exactly the confidence that WWII employment campaigns sought to foster in young women. Immediately following the war, however, there was a push to return women to the home. In an unstable time, the nation looked to families to create a stable hearth on which the nation could rest.⁵⁷⁰

⁵⁶⁸ State of Montana v. Howard H. Kauf, March 1, 1947, District Court Second Judicial District, County of Silver Bow, register/case no. 7873, Butte-Silver Bow Public Archives, Butte, Montana; "Jury in Murder Case Retires," *Montana Standard*, May 1, 1946; Montana Rev. Code Ann. § 94-501 (1947).

⁵⁶⁹ Elaine Tyler May, *Homeward Bound: American Families in the Cold War* (New York: Basic Books, 2008), 5.

⁵⁷⁰ See May, *Homeward Bound*.

For this reason, increasing divorce rates immediately following the war garnered national attention. In fact, according to census figures the number of divorces in the U.S. had climbed from 264,000 in 1940 to 502,000 in 1945. By February 15, 1947, eight states introduced legislation to curb divorce. A bill in Massachusetts, the most stringent proposal, sought to ban divorce altogether.⁵⁷¹ While Butte and Montana had a reputation for being liberal in granting divorce, in a postwar world, they too felt the increasing pressure of the disruption of local families. In December 1945, the *Montana Standard* published an article regarding divorce in Silver Bow County, the rates of which, Judge T.E. Downey exclaimed had “become alarming.” The paper reported that “an eight-year general average of 18 divorce actions per month . . . had more than doubled since the cessation of hostilities.”⁵⁷² Additionally, because, as discussed in chapter three, gender differentiation was necessary to maintaining a home front masculine identity, a desire to shore up the domestic space following WWII was perhaps more pronounced.

In many ways, Hazel and her friends embodied the source of postwar American anxieties and Howard’s attorney looked to capitalize on that fear. During the Coroner’s Inquest, Frank Sullivan, counsel for the defendant, attempted to cast Hazel as an absent wife. He asked questions about her drinking habits and the “places of amusement” and parties she attended. He drew attention to the fact that Hazel and her female friends often attended these events without their husbands—all while Howard was serving in the South

⁵⁷¹ “Legislatures Seek to Curb U.S. Divorce Increase with New Laws,” *Montana Standard*, February 15, 1947.

⁵⁷² “Break-Up of War Marriages Factor in County’s Rising Divorce Rate,” *Montana Standard*, December 9, 1945; see Carter, *The Importance of Being Monogamous*.

Pacific.⁵⁷³ When Angus John Smith recalled asking Hazel to dance, Sullivan’s questions focused on whether there were only ladies in the group, if anyone had properly introduced Hazel, and if Hazel had “raise[d] any objections” when Angus just walked up and asked her to dance. Sullivan designed all of these questions to elicit a judgment as to Hazel’s character as a lady.⁵⁷⁴ While questioning Hazel’s companion, Enos Thomas, Sullivan attempted to cast doubt on *her* behavior and character and on Hazel’s by association. Immediately Sullivan established that Thomas was divorced: “You say you are Miss or Mrs.?/Mrs. I am a divorcee./You were divorced?”⁵⁷⁵ Next, Sullivan questioned her drinking habits on the night of the murder: “Did you have anything to drink that evening?/I had Seven-up at the Aero./You never had wine, or a highball?/I don’t think I did./You don’t remember if you had intoxicating liquor or not? . . . The Seven-up didn’t produce that effect?”⁵⁷⁶ Later in the inquest, when a witness who had joined the Kaufs at the Atlantic for a celebratory drink, mentioned that Hazel excused herself from the table to help a young woman who was “in a bad way,” Sullivan joked, “You don’t know if she [the woman Hazel assisted] had 7Up?”⁵⁷⁷ On several occasions, Sullivan highlighted that in addition to frequenting places of amusement with her group of female friends, on the night of her death she was carrying on with other men. When the coroner called to the stand Mary Wilburn, a friend with whom Hazel worked with at Gamer’s Confectionary, Sullivan focused on Hazel’s dance partners: “The only thing you saw then . . . was Mrs. Kauff dancing with somebody not her husband?/I saw her

⁵⁷³ Kauf, “Transcript of Testimony,” 16.

⁵⁷⁴ *Ibid.*, 44.

⁵⁷⁵ *Ibid.*, 62.

⁵⁷⁶ *Ibid.*, 64-65.

⁵⁷⁷ *Ibid.*, 69-70.

dancing./It wasn't with her husband?/No, it wasn't her husband.”⁵⁷⁸ The narrative that women were potentially at fault for their own victimization was also present in jury instructions from the judge. Juror instruction 45, which addressed insanity as a defense for Howard, instructed the jury to judge Howard's sanity on “his temper, jealousy, shattered hopes, desires, and troubles of all kinds,” insinuating that Hazel may have actually driven Howard to murder by dashing his hopes and desires, and that his action was an understandable reaction to her behavior.⁵⁷⁹

In the early twentieth century, the legal system underwent significant changes. The federal government expanded its control over criminal law in unprecedented ways, and vice and morality codes consumed social reformers and legislatures across the U.S. Moral panic in response to growing urbanization ignited these alterations and significantly affected rape law and the execution of assault law in instances where the abuse was domestic. The 1910 Mann Act's focus on protecting any and all women reflected both the increasing fear for women's well-being and paradoxical constructions of womanhood. Without written distinctions between “good” and “bad” women, the law left judges, lawyers, and jurors to draw these differences within the courtroom. The uneasy tension between social and legal desires to protect female morality and the fear of cunning women influenced the execution of law. Similarly, turn-of-the-century alterations to marriage law simultaneously recognized expanding women's rights and worked to maintain “traditional” gender structures. In practice these changes reinforced courtroom narratives that placed women at fault for their own abuse.

⁵⁷⁸ *Ibid.*, 87, 89.

⁵⁷⁹ *Kauf*, “Instruction 45.”

Following WWI, when reformers shifted from understanding women exclusively as victims to viewing women as potential sexual aggressors or seductresses, the execution of law more vehemently tried women's non-consent, raising the acceptable standards of resistance, introducing prior sexual acts, and viewing testimony with increased suspicion. Reconstructing rape accusations as attacks on "good" men by "bad" women is, according to law professor Susan Estrich, "the most pervasive theme in [contemporary] legal commentary on rape."⁵⁸⁰ The most recent update to the Modern Penal Code (1981) still speaks to the fear that complaints are often vindictive attacks on male honor.⁵⁸¹ Specifically, it cautions jurors to use "special care" when considering the testimony of the prosecuting witness because of "the emotional involvement of the witness" and "the difficulty [she might have] of determining the truth with respect to alleged sexual activities."⁵⁸² This narrative, as discussed, above is rooted in the 1920s. Neither static nor new, the constructions of "good" and "bad" women and when and why these distinctions matter have altered through time. As the standards of femininity change, so, too, do courtroom narratives that far too often excuse the abuse of female bodies.

⁵⁸⁰ Susan Estrich, "Rape," *The Yale Law Journal* 95, no.6 (1986): 1087-1089.

⁵⁸¹ The American Law Institute established the Model Penal Code as a guide to assist legislators in writing and standardizing criminal law. The last update of the Model Penal Code was in 1981. Estrich used the 1981 version in her article, "Rape."

⁵⁸² Model Penal Code, 213.6(5), quoted in Estrich, "Rape," 1140.

'TO BE FREE': WOMEN'S RESISTANCE TO VIOLENCE

“If you promise to leave me alone or anybody that belongs to me, I am willing to keep you out of the penitentiary. Don’t think you will go there anyway,” Evelyn Niles resolutely pleaded with her husband, Edward, from the witness stand.⁵⁸³ She doubted the justice system, and she had reason to be skeptical. On January 12, 1920, Evelyn had applied for divorce. Explaining to her attorney that Edward had threatened to kill her if she ever tried to leave him, he advised her not to say anything to him. Her attorney, however, failed to supply any warning before Officer Mike Boric delivered the divorce papers to the Niles home just after noon on January 14. Evelyn watched in fear as Edward grew angry, yelling to Boric what “a dirty trick it was.”⁵⁸⁴ She motioned Boric to stay, but after a few minutes, he departed. In her testimony, Evelyn related what happened next: “As soon as he left he [Edward] started to punch me. The first punch I went to the floor. Every time I got up he punched me again. He also kicked me in the jaw. Blood all over the walls. Blood is there yet. Then he threatened to cut my throat and his too.”⁵⁸⁵ By the time Boric made it back to the station, a call had come in that there had been a killing at the Niles home.⁵⁸⁶ Edward had not killed Evelyn, but Boric returned to find her badly beaten, her eight-year-old daughter with a black eye and swollen face, and Edward standing with a razor in hand threatening to cut Evelyn’s throat.⁵⁸⁷

⁵⁸³ State of Montana v. Edward J. Niles, January 14, 1920, District Court Second Judicial District, County of Silver Bow, register/case no. 5527, Butte-Silver Bow Public Archives, Butte, Montana, 6.

⁵⁸⁴ Ibid., 3.

⁵⁸⁵ Ibid., 3, 7, 3-4.

⁵⁸⁶ Ibid., 7.

⁵⁸⁷ Ibid., 8, 10, 8.

Following this incident, Evelyn filed assault charges against Edward, but the law failed her again. Although the judge in the preliminary hearing bound the case over to district court and fixed his bond at two thousand dollars, the court ultimately ordered the action dismissed and released Edward.⁵⁸⁸ It would be easy to read this case as a defeat, as indeed, more often than not, the law failed to protect women from violence. Women like Evelyn, however, have a long history of resisting abuse even with very few resources at their disposal.

Earlier chapters have focused on the rates of violence against women, the construction of violence in the media and in the law, and the ways in which male privilege became institutionalized, curbing women's access to protection and ultimately granting men an extra-legal right to abuse. This chapter analyzes women's resistance to systemic institutional violence. Butte women, many of whom you have met in earlier chapters, did not passively accept a patriarchal legal and cultural system, nor were they merely victims of violent crime. On the contrary, they were friends, sisters, mothers, and integral parts of communities, who opposed these structures.

As historian Linda Gordon argues, while the achievements of feminism in countering violence are difficult to locate, the resistance of abused women is almost entirely silent.⁵⁸⁹ It is, therefore, necessary to explore women's opposition and the ways in which women, far from passive victims, negotiated power in instances of abuse.⁵⁹⁰ In the first half of the twentieth century, Butte women deployed varied forms of resistance

⁵⁸⁸ Niles.

⁵⁸⁹ Linda Gordon, *Heroes of Their Own Lives: The Politics and History of Family Violence, Boston 1880-1960* (New York: Viking, 1988), 251.

⁵⁹⁰ See Sue Fisher and Kathy Davis, *Negotiating at the Margins: The Gendered Discourses of Power and Resistance* (New Brunswick: Rutgers University Press, 1993).

against both sexual and non-sexual physical abuse. Rather than organized resistance, these acts were individual and ranged in degree. While some acts involved breaking silences, others utilized violence. Likewise, the women who participated in resistance were diverse. Some of the women were married, and others were single. Some worked as prostitutes or laborers, while others were stay-at-home mothers. The acts of resistance discussed throughout were not large-scale, nor did those involved always recognize them as active opposition. However, they reveal the important ways that women with limited power and resources opposed the abuse of their bodies.⁵⁹¹ Specifically, Butte women filed formal complaints, ingeniously utilized available laws to protect their bodies, physically fought back against violent attacks, and formed networks that challenged their individual attackers and, at times, larger social and legal institutions. While women deployed similar forms of resistance throughout the first half of the century, the amount of danger they faced and shifts in their social and economic status affected the rates at which they utilized varied forms of opposition.

* * * *

Women who filed rape complaints faced difficult circumstances. Cultural understandings of rape as a trespass against female purity and the shame associated with the crime were writ large in the lack of information recorded for these crimes. Indeed, as chapter five detailed, views on rape have remained consistently paradoxical, and despite a provision for harsh punishments, lengthy punishments for rape convictions in Butte were

⁵⁹¹ See Jocelyn A. Hollander and Rachel L. Einwohner, “Conceptualizing Resistance,” *Sociological Forum* 19, no. 4 (2004): 533-554.

rare, and courts often dropped charges or reduced them to a lesser degree.⁵⁹² Fears of vindictive complainants and the conflation of rape and seduction dominated the execution of rape law throughout the first half of the twentieth century. Additionally, fear of censure from one's community made seeking justice under the law difficult. Some women, however, overcame those deterrents and did prosecute.⁵⁹³

The very real fear of reproach from family, friends, and the justice system is evident in Mary Niemi's 1917 rape case. Twenty-one-year-old Niemi, a Finnish immigrant, was raped by Frank Janosik in May 1917. In describing her resistance to Janosik, she explained, "I was trying to tell him to let me go for my sister's and brother's sake . . . I feel I would not be able to face my people."⁵⁹⁴ After the rape, Janosik, on several occasions, called her childish and teased her about his "chances" for taking her home, repeatedly reminding her that no one would believe her if she reported the crime.⁵⁹⁵ For four months, Janosik, using the definitions of womanhood against her, threatened that if she tried to seek help, the police would blame her for being in his room and would likely arrest her for being out so late alone. For a time, this warning, which was very real to women, prevented Niemi from bringing charges against Janosik.⁵⁹⁶

However, on September 29, 1917, having endured enough harassment and with her friend

⁵⁹² For a discussion of justice systems throughout the country, see Estelle B. Freedman, *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation* (Cambridge: Harvard University Press, 2013).

⁵⁹³ Rape law is discussed in depth in chapter seven. For an analysis of the execution of rape law, also see chapter seven.

⁵⁹⁴ State of Montana v. Frank Janosik, September 29, 1917, District Court Second Judicial District, County of Silver Bow, register/case no. 4901, Butte-Silver Bow Public Archives, Butte, Montana, 4.

⁵⁹⁵ *Ibid.*, 24.

⁵⁹⁶ *Ibid.*, 16, 23.

Selma Kotla's support, Niemi filed a formal complaint. A judge issued a warrant for Janosik's arrest, and on October 9, 1917, Niemi took the witness stand, bravely recalling the details of her attack.⁵⁹⁷ Although the outcome of the case is unknown, there was sufficient evidence following a preliminary hearing to bind the complaint over to district court and fix Janosik's bond at \$1,000, granting her at least momentary justice.

Wives, in the absence of spousal abuse laws, legally challenged attacks by filing assault, disturbance, failure-to-provide, and vagrancy charges against abusive spouses. Before a formal law and before the formation of organizations dedicated to eradicating wife assault, Butte women participated in individual activism, breaking silences through legal action.

Assault and disturbance laws, which explicitly addressed violence, were perhaps the most obvious legal means for women to, at most, receive justice and, at least, be heard. The Territorial Legislature enacted both assault and disturbing the peace laws in 1864-65.⁵⁹⁸ The primary distinguishing factor between degrees of assault was intent. Whereas first-degree assault addressed intent to kill with or without a deadly weapon, second-degree assault spoke to intent to produce "grievous bodily harm" with or without a weapon. Third-degree assault covered any assault, or assault and battery that did not fall into either of the previous two categories.⁵⁹⁹ Between 1910 and 1950, the definitions of the crimes remained intact. Likewise, the punishments for second and third-degree

⁵⁹⁷ *Janosik*.

⁵⁹⁸ Montana Rev. Code Ann. § 94-601 (1947); Montana Rev. Code Ann. § 11297 (1921); Butte, Montana, Municipal Code § 573 (1914). These laws are discussed in more detail in chapters two and three.

⁵⁹⁹ Montana Rev. Code Ann. § 94-601 (1947).

assault remained unchanged. Second-degree assault was punishable by one to five years in the state prison, or by a fine up to \$2,000, or both. Offenders of third-degree assault faced a maximum of six months in the county jail, or a fine up to \$500, or both.⁶⁰⁰ While the penalties for these lesser crimes remained unchanged, punishments for first-degree assault became more severe over the course of the twentieth century. In 1907, first-degree assault carried a penalty of five to ten years in the in the state prison.⁶⁰¹ By 1947, first-degree assault was punishable by five to twenty years in the state prison.⁶⁰²

The definition of disturbing the peace covered “vulgar language,” any “loud or unusual noises,” “tumultuous or offensive conduct, or threatening, traducing, quarreling, challenging to fight or fighting.”⁶⁰³ The punishment for disturbing the peace, which remained unchanged between 1910 and 1950, was a fine up to \$200, or up to ninety days in the county jail, or both.⁶⁰⁴ Disturbance charges were also often coupled with peace bonds, which threatened harsher penalties for repeat offenders, a measure generally absent in assault cases. That women used disturbances to prosecute wife assault is evident in cases, including *State of Montana v. Joe Percy*, which charged Joe with a disturbance after he “Kicked his wife [Annie] and threatened to kill her because she did not have supper ready for him when he came home from work yesterday.”⁶⁰⁵

⁶⁰⁰ Montana Rev. Code Ann. § 8312, 8313, 8314 (1907); Montana Rev. Code Ann. § 94-601, 94-602, 94-603 (1947).

⁶⁰¹ Montana Rev. Code Ann. § 8312 (1907).

⁶⁰² Montana Rev. Code Ann. § 94-601 (1947).

⁶⁰³ Montana Rev. Code Ann. § 11297 (1921).

⁶⁰⁴ Montana Rev. Code Ann. § 8577 (1907); Montana Rev. Code Ann. § 11297 (1935).

⁶⁰⁵ *State of Montana v. Joe Percy*, *Records of Criminal Action*, Justice Court, June 17, 1914, Vol. 7, pg. 117, Butte-Silver Bow Archives. Butte, Montana.

Butte wives frequently turned to both assault and disturbance laws to seek protection. Annie McLaughlin, for example, filed third-degree assault charges against her husband, James, five times between February 1914 and January 1917. On one occasion, he was charged with “Drinking and beat her [Annie] up on head and body.” A different time, he left Annie “Badly beaten, cut, kicked, punched . . . Lame all over body.”⁶⁰⁶ Similarly, Daisy Richards and Anne Jursnich filed a combination of assault in the first and third-degrees and disturbance charges against their husbands. Daisy, assaulted initially with her husband Ed’s fists, faced escalating violence. She filed her first assault complaint in 1914 and a final assault complaint after an incident with explosives in 1921. Although she found little justice, as even Ed’s most severe sentence of ninety days was suspended, her persistent use of the legal system was one way that she was able to claim her right to safety.⁶⁰⁷ Anne Jursnich, whose husband, George, beat her on several occasions, used the same approach. After filing multiple assault charges between 1916 and 1920, once after her husband beat her with a pitchfork, she garnered little success. In 1921, however, after George chased her and “threatened to injure [their] family by the use of an axe,” she began filing disturbance complaints. This tactic produced some success, as the court ultimately fined George twenty-five dollars.⁶⁰⁸ Although the punishment for disturbing the peace was a fine up to \$200, or ninety days in the country jail, or both, this was the most severe punishment he received for either assault or

⁶⁰⁶ State of Montana v. James McLaughlin, *Records of Criminal Action*, Justice Court, vol. 6, 7, and 8, Butte-Silver Bow Archives, Butte, Montana.

⁶⁰⁷ State of Montana v. Ed Richards, *Record of Criminal Actions*, Justice Court, 1914 – 1920, Vol. 10-12, Butte-Silver Bow Public Archives, Butte, Montana.

⁶⁰⁸ State of Montana v. George Jursnich, *Record of Criminal Actions*, Justice Court, 1916-1921, Vol. 9-17, Butte-Silver Bow Public Archives, Butte, Montana.

disturbing the peace.⁶⁰⁹ Anne and Daisy's filing of complaint after complaint, hoping to find protection under the law, at once demonstrates the resilience of women, who despite limited legal recourse, refused to give up and the dogged ways in which women attempted to navigate the legal system.

Laws explicitly addressing violence rarely produced significant results for wives, as usually the courts or county attorneys dropped cases, reduced them to a lesser degree, or doled out minor punishments that did little to dissuade violence and sometimes had deadly consequences. For example, in March 1920, Annette Markland filed third-degree assault charges against her husband. Despite his "maliciously strike[ing], beat[ing] [and] bruise[ing]" Annette, the judge required that he pay a twenty-five dollar fine.⁶¹⁰ In November 1946, Louise Nussbacher filed a disturbance charge and for a peace bond, for which the court sentenced her husband to thirty days suspended.⁶¹¹ These were minor sentences, as between 1910 and 1950, the punishment for assault in the third-degree was "imprisonment in the county jail not more than six months, or by a fine not more than five hundred dollars, or both."⁶¹² Even when the court applied maximum penalties, husbands rarely served the entire sentence if they served time at all. For example, in July 1913, Ellen Shea filed third-degree assault charges against her husband. The court sentenced him to six months, but ultimately suspended the sentence.⁶¹³ Anna Burns filed

⁶⁰⁹ Montana Rev. Code Ann. § 11297 (1921); *Jursnich*.

⁶¹⁰ *State of Montana v. H. Markland*, *Record of Criminal Actions*, Justice Court, March 13, 1920, Vol. 15, pg. 408, Butte-Silver Bow Public Archives, Butte, Montana.

⁶¹¹ *State of Montana v. Arnulph Nussbacher*, *Record of Criminal Actions*, Justice Court, November 4, 1946, Vol. 40, pg. 315, Butte-Silver Bow Public Archives, Butte, Montana.

⁶¹² Montana Rev. Code Ann. § 8314 (1907).

⁶¹³ *State of Montana v. Jerry Shea*, *Record of Criminal Actions*, Justice Court, July 22, 1913, Vol. 6, pg. 11, Butte-Silver Bow Public Archives, Butte, Montana.

third-degree assault charges against her husband in 1917 after he beat her “unmercifully.” Despite the severity of the crime, the county attorney’s opinion that he, “Should get a stiff sentence,” and his plea of guilty, the court sentenced Thomas Burns to only six months, and his sentence too was suspended.⁶¹⁴ For women like Anne Forbes, the consequences of dropped or reduced charges proved deadly. When her husband, John, attacked her with a razor in 1917, the county attorney dropped all charges. Two months later John killed Anne in their home.⁶¹⁵ While twentieth century law no longer formally recognized a husband’s right to abuse his wife, the minor penalties for wife assault demonstrate at least a tacit acceptance of men’s right to abuse.

The failure of assault and disturbance laws to protect women, however, did not halt women’s attempts to seek protection by legal means. When laws that explicitly addressed violence failed, women sought alternative methods of escaping abuse, including using failure-to-provide and vagrancy laws, both of which Montana enacted in 1895.⁶¹⁶ As Linda Gordon illustrates, in the early twentieth century, women more frequently objected to a husband’s non-support than to his abuse when speaking with social workers, since they viewed non-support as an “actionable grievance.”⁶¹⁷ In Butte, women’s use of failure-to-provide laws coupled with charges that explicitly addressed violence, suggests that women applied failure-to-provide as an alternative way to legally

⁶¹⁴ State of Montana v. Thomas Burns, *Record of Criminal Actions*, Justice Court, May 10, 1917, Vol. 10, pg. 137, Butte-Silver Bow Public Archives, Butte, Montana.

⁶¹⁵ State of Montana v. John Forbes, *Record of Criminal Actions*, Justice Court, March 26, 1917, Vol. 10, pg. 49, Butte-Silver Bow Public Archives, Butte, Montana. For a discussion of how and why the execution of assault, disturbance, and rape laws equated to unequal protection under the law, please see chapter seven.

⁶¹⁶ Montana Rev. Code Ann. § 11017, 11521 (1921).

⁶¹⁷ Gordon, *Heroes of Their Own Lives*, 258-259.

censure abusive husbands. Barbara Elofson, for example, filed third-degree assault charges against her husband in May, 1918. Two months after the court dismissed the assault charges, she filed failure-to-provide charges, once on July 6, 1918, and again on July 22, 1918.⁶¹⁸ Noting how often coupling failure-to-provide grievances with assault or disturbance charges demonstrates that while women may have been holding husbands and fathers to their financial obligations, they were also likely seeking a remedy to abuse, utilizing as many available laws as possible.

Butte women also used vagrancy statutes in a similar fashion. Lawrence M. Friedman, in *Crime and Punishment in American History*, argues that vagrancy laws too frequently enabled authorities to target people they defined as “undesirable.”⁶¹⁹ Indeed, this is, for the most part, true. The wide-open law was often deployed as a means of controlling the unemployed and homeless as well as political radicals.⁶²⁰ Policing African Americans in the Reconstruction South, paupers and transients in the late nineteenth and early twentieth century, and activists in the later part of the twentieth century, the justice system used and abused vagrancy laws because of their vagueness.⁶²¹ The abuse was so pervasive that in the 1960s many state courts struck the laws down, eradicating them almost entirely.⁶²²

In the state of Montana and city of Butte, vagrancy laws were no different.

Officials loosely defined vagrants as any person, “who had the physical ability to work,

⁶¹⁸ State of Montana v. John Elofson, *Record of Criminal Actions*, Justice Court, 1918. Vol. 11-12, Butte-Silver Bow Public Archives, Butte, Montana.

⁶¹⁹ Lawrence M. Friedman, *Crime and Punishment in American History*, (New York: BasicBooks, 1993), 386.

⁶²⁰ *Ibid.*, 104.

⁶²¹ *Ibid.*, 94, 102, 386.

⁶²² *Ibid.*, 35-386.

and who does not . . . Every healthy beggar . . . Every person who roams from place to place without any lawful business . . . Every idle or dissolute person, or associate of thieves . . . Every lewd and dissolute person . . . Every common prostitute and common drunkard.”⁶²³ In 1920, city vagrancy laws aligned with state vagrancy laws, shifting from punishments including fines and/or time in jail to penalties by imprisonment only. Penalties for Butte and the state were “imprisonment in the county jail not exceeding ninety days.”⁶²⁴ Butte law enforcement officers and courts alike, like their counter-parts across the nation, almost certainly abused these laws. However, there is evidence to suggest that these generally oppressive laws provided Butte women with an alternative route to legal protection.

Women likely utilized vagrancy laws for the same reason officials exploited them: the vagueness of the language covered all manner of crimes. As such, abused wives added vagrancy laws to their legal repertoire. Ida Taft, for example, filed a series of security-to-keep-the-peace, disturbance, and vagrancy charges against her husband, who had a history of violence. Although Ida ultimately found greater success using disturbance laws, which resulted in a twenty-five dollar fine, the combination of charges suggests that she was struggling to find a statute under which courts would prosecute her husband.⁶²⁵ Whereas Ida’s use of vagrancy was not altogether successful, Mrs. M.

⁶²³ Montana Rev. Code Ann. § 11521 (1947). In 1897, the authority to define and prosecute vagrancy was granted to city and town councils. See State EX REL. City of Butte, Relator v. District Court Et al., Respondents, no. 2554 (37 Mont. 202; 95 P. 841; 1908).

⁶²⁴ Montana Rev. Code. Ann. § 11521 (1921).

⁶²⁵ State v. J.M. Taft, *Record of Criminal Actions*, Justice Court, 1918-1919, Vol. 12-13, Butte-Silver Bow Public Archives, Butte, Montana.

Flynn's navigation of the legal landscape, in which she utilized both vagrancy and disturbance laws, proved to her advantage. In 1940, Flynn filed two separate disturbance charges against her husband, one of which resulted in a ten-day sentence. In 1942, when she filed a vagrancy complaint against her husband, the court sentenced him to sixty days, a marked improvement over other legal strategies she had deployed.⁶²⁶ In fact, the maximum penalty for vagrancy was ninety days.⁶²⁷ Records indicate that Butte courts were much more willing to impose stiff sentences for vagrancy than they were for assault or disturbing the peace. Women, then, may have turned to vagrancy and failure-to-provide because these crimes were explicitly illegal. This is not to say that women believed that wife assault was less objectionable, but rather that they recognized that failure-to-provide and vagrancy were unambiguously criminal and, therefore, more likely to be prosecuted.⁶²⁸

Vagrancy charges also likely appealed to women because guilty verdicts resulted in imprisonment whereas assault and disturbance convictions often resulted only in fines, making vagrancy one possible way to remove a violent offender from the home. Between 1910 and 1950, county attorneys categorized many wife assaults as third-degree assaults. Many of those, as evidenced above, resulted in minimal repercussions for abusive husbands. In fact, guilty verdicts often only carried fines, and when judges sentenced men to jail time, they frequently suspended the sentence, placing abusive husbands back in the home. Conversely, the compulsory jail time associated with vagrancy complaints and

⁶²⁶ State of Montana v. James Flynn, *Record of Criminal Actions*, Justice Court, 1940-1942, Vol. 37, Butte-Silver Bow Public Archives, Butte, Montana.

⁶²⁷ Montana Rev. Code. Ann. § 11521 (1935).

⁶²⁸ Gordon, *Heroes of Their Own Lives*, 258-259.

judges' willingness to impose stiff sentences, offered women at least momentary domestic peace.

Vagrancy charges were also less likely to bring about an interrogation of “womanly standards.” As discussed throughout, men often explained abuse by claiming that their wives had failed to perform domestic tasks. As such, trials for wife assault often focused on a woman’s success or failure as a wife to determine if a husband’s abuse was justified. The low penalties for wife assault suggest that this narrative was generally accepted. Conversely, vagrancy charges called into question men’s ability to provide and his success as a husband. In fact, laws addressing expectations of wives and husbands directly outlined a man’s role as breadwinner.⁶²⁹ A vagrancy charge, rather than interrogating the success of a wife, focused on the failures of a husband. While men who beat their wives were not always behaving outside of acceptable masculinity, men who were vagrants or failed to support families most certainly were.⁶³⁰

While many cases demonstrate women’s legal resistance and even the compelling ways in which women navigated the justice system, other cases shed light on women’s physical resistance. Engaging in physical opposition was a dangerous option, as it could escalate violence and, therefore, further endanger the woman attempting to escape.⁶³¹

⁶²⁹ Montana Rev. Code Ann. § 36-103 (1959).

⁶³⁰ For a discussion of embarrassment as a form of resistance, see Gordon, *Heroes of Their Own Lives*.

⁶³¹ For additional information on the potential risk in sexual assault cases, see Susan Estrich, “Rape,” *The Yale Law Journal* 95, no.6 (1986): 1087-1089. For additional information on the potential risk of resistance in domestic abuse, see Katherine Van Wormer and Albert R. Roberts, *Death by Domestic Violence: Preventing the Murders and Murder-Suicides* (Westport, CT: Praeger Publishers, 2009).

Women who engaged in physical resistance often did so at considerable risk to themselves.

“Fight for mother, he is going to kill me,” Maud Randall shouted to her six-year-old son, Louis, who sat in the back seat of the Essex sedan. In the front seat, she struggled to disarm her husband, Dan, who had pulled a gun on her, threatening, “By God I will kill you here.”⁶³² Maud, who was staying at her brother’s ranch in Wilder while her divorce was finalized, drove into Butte with her son to run errands on April 15, 1930.⁶³³ While there, she ran into Dan on a public street. After a brief and cordial conversation, she offered to drive him back to his room on Montana Street. On the way, Dan began yelling and demanding that they drive down a side street or up to the lake. When Maud calmly refused, explaining that she was afraid, he started to pull at the steering wheel forcing the car away from his home and down Front Street. Maud, trying to gauge the situation, coolly asked, “Dan, have you a gun?” When he said no, she brought the car to a stop at the intersection of Montana and Rowe Streets. Dan, however, had repeatedly threatened her life, and as he yelled, she began searching his pockets for a weapon. Infuriated, he again demanded that she drive to the lake. Maud, fearing her life “absolutely refused to go.”⁶³⁴ That is when Dan retrieved a gun from underneath his seat and threatened to kill her. As Dan brought back the hammer, Maud reached for the gun and Louis pulled at Dan’s hair from the backseat, trying to prevent him from shooting. Maud was able to get hold of the gun and tuck her finger behind the trigger guard, forcing the gun in the

⁶³² State of Montana v. Dan Randall, May 8, 1930, Transcript of Testimony, Justice Court, Butte-Silver Bow Public Archives, Butte, Montana, 10, 24, 7.

⁶³³ Ibid., 26-27, 6, 9.

⁶³⁴ Ibid., 5, 6.

opposite direction.⁶³⁵ Mother and son knocked the gun from his hands, and Louis, quickly recovering the gun, held it to Dan's temple. Dan snatched it back from the boy. Shouting, "I will mash your head in," he repeatedly used it to bash Maud over the head, splitting the skin open "right down to the bone."⁶³⁶ The boy and his mother, with blood from her head wound obstructing her vision, struggled until Dan again fumbled the gun.⁶³⁷ Unable to reach the gun, which had fallen to the driver's side floor, he seized Maud's throat and attempted to strangle her. At least two cars passed by without noticing before the boy ran "directly in front of a car and said 'Stop! Stop! ... Come quick, he is killing my mother."⁶³⁸ Mark and Gussie Frankovich pulled over. Gussie recalled that Dan was on top of Maud beating on her, and blood was streaming from her head. Her husband reached into the car and pulled Dan off of Maud. They took possession of the gun, and Officer Leroy McLeod arrived on the scene shortly thereafter.⁶³⁹

Maud's quick thinking and physical resistance likely saved her and her son from a more deadly fate had they continued to the lake. The bold resistance Maud exercised on this occasion continued into the courtroom. Following this last in a string of violent incidents, the court tried Dan for first-degree assault. During the cross examination, the defense attempting to establish provocation, asked Maud, "Did you bite him on that occasion?" to which she responded, "Not that I know of. I suppose I would have, but I didn't get a chance."⁶⁴⁰ Following the preliminary hearing on May 8, 1930, defense

⁶³⁵ Ibid., 7.

⁶³⁶ Ibid., 7, 3.

⁶³⁷ Ibid., 7, 8.

⁶³⁸ Ibid., 8.

⁶³⁹ Ibid., 35-58.

⁶⁴⁰ Ibid., 20.

attorney A.G. Shone argued that there was not sufficient evidence to move the case to district court. Deputy county attorney H.C. Levinski did not oppose. While Judge John Corbitt took the case under advisement, there is no evidence that Dan was tried in district court.⁶⁴¹

Women who survived stranger assault also physically resisted. Police arrested Cleo Hartman and Fern Clifford on “West Mercury Street . . . between Main Street and the [pleasure] alley” on March 10, 1919.⁶⁴² Police suspected the two women of committing first-degree assault against H. D. Pelham, a blacksmith and alleged bootlegger.⁶⁴³ According to Pelham’s testimony, the three were in his room having a drink when he noticed that his pocket book was missing. He positioned himself between the women and the door: “I told them I was going to search them; if I had to kill them to do it I was going to do it. Fern Clifford was willing to be searched and by the time . . . she got undressed someone hit me from behind. I don’t know who it was and I started in to hit them with my fists and they started to cut me up . . . I grabbed hold and hit all I could.”⁶⁴⁴ Hartman and Clifford, however, recounted that he had paid five dollars to have sex with each of them twice, after which he, brandishing a beer bottle, accused them of stealing.⁶⁴⁵ Hartman described Pelham as “absolutely insane” and the situation as life or

⁶⁴¹ *Randall*.

⁶⁴² *State of Montana v. Cleo Hartman and Fern Clifford*, March 11, 1919, District Court Second Judicial District, County of Silver Bow, register/case no. 5369, Butte-Silver Bow Public Archives, Butte, Montana, 2.

⁶⁴³ *Ibid.*, 8.

⁶⁴⁴ *Ibid.*, 8, 6, 44.

⁶⁴⁵ *Ibid.*, 30.

death: “We knew he would [kill us] if we did not protect ourselves.”⁶⁴⁶ As Clifford recalled,

I said ‘Search me, and I took my clothes off. He found out I did not have nothing on me. He went to strip her [Cleo Hartman] and hit her and knocked her down. Hit me in the nose and knocked me down and grabbed her by the throat, threw her across the wash basin and started to choke her. She reached for the razor . . . she grabbed the razor off the dresser . . . It scared me to death and I hollard.’⁶⁴⁷

The women’s screams of “Murder” woke Mrs. Carrie Rask, landlady of the Boston Block.⁶⁴⁸ The commotion also drew Edward Todd out of his room: “I heard something like chairs tumbling over, ‘Murder, help, police.’ I run out into the hall. As I got to the head of the stairs Fern Clifford came running out without any clothes on, ran downstairs.”⁶⁴⁹ The women fled the building and dashed around the corner to hide. Once they caught their breath, they purchased a little hop and cocaine “to brace us up.” They also checked into a room where they could wash the blood from their faces.⁶⁵⁰ Shortly thereafter, officers Frank White and Phill Prlja arrested the women, but the county attorney dismissed the charges due to a lack of evidence.⁶⁵¹

Other Butte women used deadly force to protect themselves. Between 1910 and 1950, only a handful of women killed their husbands. Courts exonerated most as having practiced self-defense. On Monday, December 13, 1948, “William R. Castle Dies Instantly of Gunshot Wound: Wife is Held Pending Probe Outcome” donned the front page of the *Montana Standard*. According to officials, the shooting took place after a

⁶⁴⁶ Ibid., 30, 31.

⁶⁴⁷ Ibid., 32, 39, 41.

⁶⁴⁸ Ibid., 19, 18.

⁶⁴⁹ Ibid., 21.

⁶⁵⁰ Ibid., 39, 42, 35, 36. Hop is slang for opium.

⁶⁵¹ *Hartman and Clifford*.

“Family Quarrel” that occurred early Sunday morning. At 7:00 a.m., twenty-six-year-old Betty Castle woke to the sound of her husband returning home from work. He had been due to arrive from the Leonard Mine at 2:00 a.m., and when he did not return home, Betty locked the front door. When she went downstairs to let him in, she asked why he was so late, prompting William to turn violent. He punched her in the chest and threatened to “knock . . . [her] brains out.” Betty ran to retrieve a gun she had hidden after an earlier incident in which he beat her head into the side of their car until she was unconscious. Slipping the .38 into her housecoat pocket, she ran for the front door. Betty intended to exit the house and reenter through the back, locking the doors behind her as she telephoned the police. However, before she could reach the exit, William swung at her again. She dodged his fist, which flew past her and through the door. She sprinted for the back door, but finding it locked, turned and drew the gun: “you take one more step and I’ll shoot you.” William lunged a last time at Betty, and she pulled the trigger.⁶⁵² The coroner’s jury and the county attorney exonerated Betty; both determined that she had acted in self-defense.⁶⁵³

In addition to legal and physical resistance, women relied on networks of friends and family. Butte’s urban setting facilitated the growth of informal and formal aid networks, to whom women frequently appealed for assistance in violent situations. Specifically, women looked to one another for support during tragedy and recovery, when filing for divorce, when seeking shelter from violent assailants, and as witnesses to

⁶⁵² “William R. Castle Dies Instantly of Gunshot Wound: Wife is Held Pending Probe Outcome,” *Montana Standard*, December 13, 1948.

⁶⁵³ State of Montana v. Betty Castle, *Records of Criminal Actions*, Justice Court, December 13, 1948, Vol. 41, pg. 522, Butte, Montana, Butte-Silver Bow Public Archives.

testify against their attackers. These networks allowed women to seek refuge from violence, even if only temporarily.

In 1946, when twenty-four-year-old Violet May (Burton) Smith's marriage of two years turned violent, she sought refuge among family. A native of Butte, Violet was a waitress and a member of a local union, likely the Women's Protective Union. Violet's mother, three brothers, and one of her sisters still resided in the city, providing a number of potential sources for safety. In October, 1946, Violet's sister and brother-in-law, Mr. and Mrs. Pete Verbonic, opened their doors, inviting Violet and her four-year-old daughter from her first marriage, Arlene, to live with them.⁶⁵⁴ On the evening of February 23, 1946, Royal Smith, her estranged husband, sent a note via a taxicab asking her to meet with him at his tavern.⁶⁵⁵ The family pleaded with her not to go.⁶⁵⁶ Despite their protestations, Violet, following a union meeting, met Royal. In the small storeroom of his bar, he fired one shot into her back with a twelve-gauge shotgun, before shooting and killing himself.⁶⁵⁷ While the story ends tragically, it shows the ways in which women appealed to family and friends for support.⁶⁵⁸ Beyond providing refuge for Violet, the Verbonics adopted Arlene into their family following her mother's death. What is

⁶⁵⁴ "Royal H. Smith, Wife Violet, Die in Tragedy: Several Hours Elope before Bodies of Estranged Couple Are Found in Blood-Splattered Storeroom," *Montana Standard*, February 24, 1946; Conversation with Irene, granddaughter of Violet Smith.

⁶⁵⁵ "Royal H. Smith, Wife Violet, Die in Tragedy: Several Hours Elope before Bodies of Estranged Couple Are Found in Blood-Splattered Storeroom," *Montana Standard*, February 24, 1946.

⁶⁵⁶ Conversation with Irene, granddaughter of Violet Smith.

⁶⁵⁷ "Royal H. Smith, Wife Violet, Die in Tragedy: Several Hours Elope before Bodies of Estranged Couple Are Found in Blood-Splattered Storeroom," *Montana Standard*, February 24, 1946.

⁶⁵⁸ Gordon, *Heroes of Their Own Lives*, 256.

perhaps more telling is that Violet remained a vibrant part of the family even in death. Her granddaughter, Irene, who never had the opportunity to meet her, affectionately recalled, “she loved to sing, Violet was an amazing lady.”⁶⁵⁹ In this way, Violet’s family continues to resist the violence of her life. More than a woman brutally murdered in a domestic homicide, Violet was a mother, a sister, a daughter, a waitress, and a singer.

Just sixteen days before police discovered Violet Smith’s body in 1946, Hazel Alda Kauf’s husband, Howard, shot and killed her while she was out dancing with friends at the Aero Club. Prior to her death, Hazel Kauf, like the other women discussed in this chapter, probably turned to her close network of friends in an attempt to escape violence. While in Butte, she formed a close-knit group of friends, including Betty Taylor, Mary Richards, and Enos Thomas, the women who would later testify on her behalf. As waitresses, the women worked and played together. In their time off, the group attended policemen’s balls and engaged in other social activities the city offered.⁶⁶⁰ As Howard recalled, Hazel aspired to open a dress shop and when she asked for a divorce, he reported, “She just said she wanted to be alone.” She wanted “to be free.”⁶⁶¹

As divorcees and wives of husbands serving overseas, it is likely that this group of friends confided in one another. Perhaps Hazel even reached out to Enos Thomas for advice when contemplating divorce. After all, when she filed for and finalized her

⁶⁵⁹ Conversation with Irene, granddaughter of Violet Smith.

⁶⁶⁰ Ibid.; “Transcript of Testimony taken at the inquest held over the dead body of Hazel Kauf before R.E. Sayatovic, Coroner of Silver Bow County and a Jury of eight men at the Court House on the 12th and 13th day of February, 1946,” *Coroner’s Reports*, Unprocessed Collection, Butte-Silver Bow Public Archives, Butte, Montana, 10-18, 27-34, 57-65.

⁶⁶¹ “Officials Probing Details of Hazel Kauf Death,” *Montana Standard*, February 10, 1946. Elaine Tyler May, *Homeward Bound: American Families in the Cold War Era* (New York: Basic Books, 2008), 3, 24.

divorce on the grounds of mental cruelty, Thomas, also a divorcee, accompanied her to the courthouse, and the group joined her for “celebratory” drinks after.⁶⁶²

Butte women’s networks of friends and family also gave valuable testimony and provided necessary support through tragedy and recovery. For example, the testimony of friends bolstered Mary Niemi’s 1917 case. Mrs. Hannah Kerkeln, who knew Niemi for ten years and ran the boarding house at which she worked, and Mrs. Andlan who ran the rooming house, both testified that Frank Janosik had been rooming and boarding in their places on the date the crime took place, and that he had, as Niemi testified, been staying in room seventeen.⁶⁶³ This testimony was vital to Niemi’s case. It countered the defense’s claim that Janosik had been living at the Copper-Czar mine, and on the night in question, was asleep there.⁶⁶⁴ The records suggest that Selmi Kolta, in addition to testifying for the prosecution, provided moral support. Niemi and Kolta appear to have been close friends, as Kolta informed the court, she was at Niemi’s house “pretty near always because I am her friend.”⁶⁶⁵ Kolta was one of the first people in whom Niemi confided, and when police arrested Janosik, she was by Niemi’s side.⁶⁶⁶ While the only record of their friendship is the transcript from the preliminary hearing, we can imagine that Niemi, a young immigrant, whose parents were deceased and who had a younger brother and sister to care for, established a familial network with the women with whom she worked and

⁶⁶² Kauf, “Transcript of Testimony,” 58; Hazel Kauf v. Howard Homer Kauf, February 8, 1946, no. 41789, Reel 1946 - C-1, *Civil Cases*, 41707-41839, Butte District Courthouse, Butte, Montana. For a more detailed discussion of Hazel Alda Kauf, please see chapter seven.

⁶⁶³ *Janosik*, 41-42, 46-48.

⁶⁶⁴ *Ibid.*, 53.

⁶⁶⁵ *Ibid.*, 50.

⁶⁶⁶ *Ibid.*, 37, 49-51.

lived. The bustling copper metropolis, with closely spaced boarding houses, vaudeville theaters, ice cream parlors, and lively street culture, provided a space in which women could maintain networks of family and friends.⁶⁶⁷

A testament to the bonds between these female friends is also evident in their willingness to appear in court on a friend's behalf. Testifying was often difficult, and women's appearance on the stand in support of loved ones in the face of scrutiny is resilience worth noting.⁶⁶⁸ Following her death, Hazel's close friends took on the difficult task of testifying on her behalf at the coroner's inquest, subjecting themselves to public scrutiny and criticism. As discussed in chapter five, throughout the inquest, defense attorney Frank Sullivan attempted to cast Hazel as an absent wife, who had "shattered [Howard's] hopes, desires, and [caused] troubles of all kinds" and thus played a role in her own murder.⁶⁶⁹ In order to strengthen this narrative, he scrutinized her friends' character, attempting to establish Hazel's lax morals by association. Throughout the inquest, Sullivan probed the women's personal lives, interrogated their drinking habits, their marital status, the number of parties they attended, and their engagement in heterosocial activities. When Betty Taylor took the stand, Sullivan focused on the women's tendency to attend "parties" and frequent "places of amusement" alone.⁶⁷⁰ Likewise, when Enos Thomas took the stand, he intimated that she had been drinking to such excess the night Hazel died that she required assistance from her female friends.⁶⁷¹

⁶⁶⁷ Mary Murphy, *Mining Cultures: Men, Women, and Leisure in Butte, 1914-1941* (Chicago: University of Illinois Press, 1997), 8.

⁶⁶⁸ For an analysis of the testimony, see chapter three.

⁶⁶⁹ Kauf, "Instruction 45."

⁶⁷⁰ Kauf, "Transcript of Testimony," 16-17.

⁶⁷¹ *Ibid.*, 69-70.

Similarly, Hartman and Clifford's case demonstrates the ways in which women relied on one another. The networks that prostitutes, like Hartman and Clifford, constructed were complex. As Mary Murphy illustrates in her study of prostitution in Butte, the job was competitive and frequently led to rivalry and even violence. At the same time, however, often denied traditional forms of protection, the women only had each other.⁶⁷² Describing themselves as sometimes friends, Clifford and Hartman's relationship closely resembled this. The two were frequently together, and had spent that day entirely in each other's company. Early in the day, they relaxed in Clifford's rooms, smoking hop as Hartman read their fortunes. Later they arranged to move Hartman's things into her new room and settle things with her landlady.⁶⁷³ They, like other prostitutes in Butte, traveled together and, in at least Pelham's case, shared a job.⁶⁷⁴

Traveling together was, in part, a way for prostitutes to protect themselves against frequent violence.⁶⁷⁵ Hartman, who had worked as a prostitute in the city of Butte since she was fifteen and described herself as "dissipating," told of encountering other men she feared, even hiding out in the bathroom to avoid a man who "acted so funny, I was afraid of him."⁶⁷⁶ Although the networks formed among prostitutes were sometimes tenuous, they functioned similarly to the relationships seen in other cases. Women worked together, played together, likely confided in one another, and protected and supported each other in violent situations.

⁶⁷² Mary Murphy, "The Private Lives of Public Women: Prostitution in Butte, Montana, 1878-1917," in *The Women's West*, eds. Susan Armitage and Elizabeth Jameson (Norman: University of Oklahoma Press, 1987), 198, 199.

⁶⁷³ *Hartman and Clifford*, 28, 35.

⁶⁷⁴ Murphy, "The Private Lives of Public Women," 199.

⁶⁷⁵ *Ibid.*, 198.

⁶⁷⁶ *Hartman and Clifford*, 28, 33.

The tradition of women's networking had a long history in Butte, as the urban working-class center lent itself to the formation of women's organizations. In fact, Butte, known widely as the "Gibraltar of Unionism," was home to the first exclusively female union in Montana, the Women's Protective Union (WPU). Founded in 1890 and dedicated to promoting the value of women's work, the union allowed any woman who worked out of the home to join. During its first sixty years of operation, the union's membership included waitresses, shop girls, hotel maids, bucket girls – who prepared lunch buckets for miners—laundresses, and midwives. By 1929, the membership roll reached 500. In 1932, 100 percent of the city's waitresses had signed up, and in 1945, over 1,000 women workers in Butte were members of the WPU. Within the organization, women built networks of friends and family. After meetings that boasted a few hundred attendees, women would catch a show, visit an ice-cream parlor, or grab a drink.⁶⁷⁷ While the discussion of abuse does not appear in WPU records, likely because of the intimacy of the crimes, it is probable that the exclusively female community provided assistance. Violet Smith, Hazel Kauff, Ina Lipponen, Mary Shea, Mary Niemi, and many other women in Butte likely turned to their sisters in the union for advice, support, and aid.

In addition to fostering informal and formal aid networks, Butte's urban landscape, while sometimes introducing women to their attackers, often proved valuable to women's resistance. Ina Lipponen called for help in both English and Finnish when Henry Poulos broke into her apartment on July 25, 1920. Her screams roused the upstairs

⁶⁷⁷ See Marilyn Maney Ross and Janet L. Finn, "Sisterhood is powerful: The Labors of the Butte Women's Protective Union, in *Motherlode: Legacies of Women's Lives and Labors in Butte, Montana*, eds. Janet L. Finn and Ellen Crain (Livingston, Montana: Clark City Press, 2005), 34-52.

neighbors, forcing Poulos to flee.⁶⁷⁸ Mrs. Kate Mitchell, Lipponen's landlady and upstairs neighbor, ran downstairs at the sound of her scream and tended to the "nervous and worked up" woman. Mitchell's precise account of the crime was due in part to the well lit streets of Butte. She had seen Poulos fleeing the scene: "He went at a slow gait, not very fast, down the alley and east." The light flooded into the bedroom well enough for Lipponen and Mitchell to identify the assailant, and for Mitchell to take note of the red marks that "Looked like nail or knife marks" on Lipponen's stomach.⁶⁷⁹ The proximity of neighbors and well lit streets of a city of nearly 80,000 aided in Lipponen fending off her attacker.

Similarly, Mary Niemi called on the support of her neighbors when she felt threatened. After raping her in May 1917, Janosik, volunteering to carry the rooming house laundry to Niemi's house after one of her shifts, attempted to attack her a second time. Niemi bravely resisted him, asserting, "this is not your room, this is my room, you just try anything here. I can holler and there is three men in their room who will come and help me if you try anything here. This is not your room that you can do as you please; this is my room."⁶⁸⁰ The safety of neighbors packed tightly into the urban boarding houses of Butte likely bolstered Niemi's confidence. In her space, among her people, she felt she could call on assistance and, having endured enough harassment, she threatened to do so.

I certainly do not mean to conflate the experiences of these women. Women's economic, political, and social situations shifted significantly during the first half of the

⁶⁷⁸ *Poulos*, 5, 4, 13, 9.

⁶⁷⁹ *Ibid.*, 15-17.

⁶⁸⁰ *Janosik*, 24-25.

twentieth century. In the years before comprehensive laws against sexual violence and wife assault, however, the types of resistance women deployed remained similar across time. With that in mind, it is nonetheless important to note that women did not practice all forms of resistance at the same rate over time. Women's shifting political, economic, and social status meant that their ability to escape relationships through economic independence, social agencies, and divorce expanded between 1910 and 1950, altering the types of resistance they deployed.

As chapter seven discussed, despite the consistency of the written law, a larger legal landscape, which preoccupied itself with constraining female behavior and distinguishing between bad and good women, impacted the interpretation of assault and rape laws. At no point were these crimes "legal" *per se*, but the extreme institutional violence written into law made bringing forth complaints exceedingly challenging.

This was especially true in the first two decades of the twentieth century, when economic limitations and unequal marriage rights made it difficult for women to file charges and to receive favorable outcomes when they did. Indeed, financial dependence on one's husband often complicated the process. Evelyn Niles, for example, endured twelve years of abuse, which according to Evelyn's testimony, "started as soon as we were married."⁶⁸¹ An early attempt to leave proved economically impossible, and Evelyn found herself back in Edward's home. For some time, she "overlooked everything on account of having so many children," but in 1920, she filed for a divorce and spousal support. Evelyn's

⁶⁸¹ Niles, 4.

decision to file for a divorce was perhaps prompted by Edward's insistence that she engage in prostitution, which she did "to keep things quiet."⁶⁸² In the absence of legal records, it is unclear whether or not Evelyn was ever able to leave her abusive marriage.

Survivors of rape also faced difficulty escaping violence and securing legal assistance due to limited economic resources. On a February afternoon in 1921, Mary Shea, who worked as a domestic, was busily dusting the dining room of the Lewis home, when Thomas Reagan, her employer's father, entered the front room, locking the door behind him. He approached Shea, inquiring how old she was, and when she refused to answer, he grew angry. He grabbed her by the back of the neck and forced her down onto the davenport, pulled her skirts over her head, and raped her.⁶⁸³ Twenty-year-old Shea remained at the job until August, despite having to frequently encounter her attacker and surviving at least one additional assault. As a young domestic servant, who resided with her employers, Shea's economic well-being was reliant on her job. It was only after she discovered she was pregnant and was unable to perform her duties, which forced her to end her employment and quit the Lewis home, that she was able to file charges against Thomas.⁶⁸⁴

Shea's case closely resembles the circumstances under which Niemi filed charges against Janosik in 1917. Niemi, who had recently discovered she was pregnant, lost her job following a miners' strike that caused layoffs across the city. Her dire economic

⁶⁸² *Ibid.*, 5.

⁶⁸³ *State of Montana v. Thomas Reagan*, November 3, 1921, District Court Second Judicial District, County of Silver Bow, register/case no. 5831, Butte-Silver Bow Public Archives, Butte, Montana, 8-13.

⁶⁸⁴ *Ibid.*, 49.

situation forced her to place her twelve-year-old brother in a home for care.⁶⁸⁵ Although the loss of employment could have prevented her from filing charges for economic reasons, she may have also felt liberated from daily harassment. Perhaps being away from the site of her abuse gave her the space to consider legal action. She confided first in her neighbor and friend, Selma Kotla, and on September 29, 1917, she filed rape charges against Janosik. The two women, standing together, watched as six police officers arrested him.⁶⁸⁶ Despite language barriers that necessitated an interpreter, economic limitations, and the fear of public criticism, Niemi filed charges and testified in justice court.⁶⁸⁷

As women's social and economic circumstances altered, so, too, did the ways women resisted abuse. In the 1930s and 1940s, women were less likely to use lethal force against an abusive husband. Indeed, cases like Betty and Raymond Castle's were extremely rare in the later part of the study period. While instances of husband homicide were always atypical, women were much more likely to use deadly force in the 1910s and 1920s, when the rates of husband homicide averaged 3 and 4 per 100,000 respectively. In contrast, during the 1930s and 1940s, the decade rate of husband homicide dropped to 0 per 100,000. Unlike in earlier periods, when women were more likely to use deadly force because divorce was less economically viable, in the 1940s, women like Hazel Kauf and Violet Smith recognized that as their opportunities for economic independence and divorce and remarriage grew, so too did their opportunity to escape unhappy marriages.⁶⁸⁸

⁶⁸⁵ *Janosik*, 26, 42, 5.

⁶⁸⁶ *Ibid.*, 37.

⁶⁸⁷ *Janosik*

⁶⁸⁸ See Gordon, *Heroes of Their Own Lives*.

Even into the 1940s, however, women who left their husbands often did so at extreme risk to themselves. Both Smith and Kauf left their husbands, who in turn responded with lethal violence.⁶⁸⁹ As was evident in these cases, taking action against or leaving one's husband could be a tremendously dangerous decision for a wife. In fact, the rate at which husbands killed their wives during this period reached 8 per 100,000 – the highest of the study period. While 8 may not seem like a high number, criminologists contemporarily consider 9 per 100,000 an extremely high rate of homicide. Indeed, this risk has continued to grow, as contemporarily the point at which a woman tries to leave an abusive relationship remains one of the most dangerous times for a survivor of wife assault.⁶⁹⁰

For the most part, women's rates of physical resistance coincided with the rates of abuse they faced. For example, Ina Lipponen fought off an attempted rape in a period when the rates of rape boomed. Likewise, Betty Castle used lethal force at a moment when wife abuse and homicide reached their highest rates of the study period. While rates of female-on-male assault never reached the levels of male-on-female assault, they did follow similar patterns. The rates of each increased in the 1910s, fell in the 1930s, and rose again in the 1940s. That these two types of force paralleled each other suggests that women were more likely to engage in physical altercations when the risk to their bodies increased.

Although many of the cases discussed above are instances of extreme violence, in which women's resistance may have been born of desperation, women in Butte were

⁶⁸⁹ "Officials Probing Details of Hazel Kauf Death," *Montana Standard*, February 10, 1946. For more information on Hazel's life and death, see chapter three.

⁶⁹⁰ See Van Wormer and Roberts, *Death by Domestic Violence*.

likely also resisting less severe forms of violence, perhaps even successfully curbing violence altogether. These cases, however, do not easily appear in criminal records or newspaper accounts. Indeed, “do not publish” is scribbled across numerous rape case records for “Jennie Does,” leaving no evidence of the circumstances of the crimes or the women who survived them.⁶⁹¹ Likewise, many records do not speak to women’s resistance outside the legal system, and newspaper accounts tend to focus on only the most heinous crimes. Despite the records’ relative silence concerning resistance in less severe cases, women’s opposition likely reached beyond the walls of the courthouse and did not always necessitate violent resistance.

The study of women’s resistance is as necessary to understanding violence against women as an interrogation of the legal system or of interpretations of the roots of violence. Throughout the first half of the twentieth century, the women of Butte fought back. Participating in individual acts of resistance, they took advantage of the laws available in order to address violence and seek retribution, they physically resisted their abusers, and in an urban center they were able to form networks that aided them in protecting themselves and in asserting their right to safety. Although women in Butte did not formally organize to address violence against women until the 1970s, a long history of individual activism was well established. Butte is a place of stories. As such, the modern movement was the culmination of the early forms of resistance that women shared with each other. Word of mouth, reaching back generations, brought attention to the extent of violence against women, and just as women had responded to legal

⁶⁹¹ *Record of Criminal Actions*, Justice Court, 1910-1950. *Record of Criminal Action*, District Court, 1910-1950, U.S. Butte-Silver Bow Public Archives, Butte, Montana.

limitations and immediate threats in the past, so, too, did women in the 1970s. The safe houses and organizations established in Butte in the 1970s, started as an underground effort. Butte women, including Grace Sicotte, worked to educate the community about violence and founded a Women's Referral Center in 1976.⁶⁹² At that time, Butte was one of five Montana communities that had formed organizations dedicated to eradicating violence against women. Today, there are over seventy organizations across the state committed to providing victim/survivor services.⁶⁹³ While these more organized efforts to address violence against women are overt acts of resistance, they are rooted in a long history of everyday struggle.

⁶⁹² Janet Finn and Ellen Crain, "Butte's Women Warriors: Taking a Stand Against Poverty and Violence," in *Motherlode: Legacies of Women's Lives and Labors in Butte, Montana*, eds. Janet L. Finn and Ellen Crain (Livingston: Clark City Press, 2005); "Andrea Ciabattari, "Y Offers Clearing House for Problems," *Montana Standard*, February 11, 1976.

⁶⁹³ Natalie Scheidler, "Womanhood on Trial: Examining Domestic Violence in Butte, Montana" Montana Historical Society, Women's History Matters blog, <http://montanawomenshistory.org/>, November 2014.

CONCLUSION

You see your story
 Beginning and middle.
 As they were written.
 And the end.
 As it comes.

And when you've told it, then you can rest.
 Then you can go home.
 Then your real work is done.⁶⁹⁴

Among the primary goals of this work was to tell the story of violence in the American West from the perspective of women and, in doing so, to confront the alarmingly high rates of violence against women and the structures that allow violence to persist. As my research has progressed, however, I have come to realize that among the many contributions my work makes to legal, historical, cultural, and sociological scholarship, the most rewarding is perhaps providing the women, whose stories fill these pages, a history. Ina Lipponen, a young mother, worked the late night shift at the Leland restaurant in Butte. One night, while scrubbing the dining room floors, she met Henry Poulos—the man who on July 25, 1920, broke into her home and tried to rape her.⁶⁹⁵ Mary Bracco immigrated to the United States as a teenager, raised two daughters, and lived in Butte for thirty-eight years before her husband abruptly took her life in 1948.⁶⁹⁶ Twenty-four-year-old Hazel Lee moved to Butte in 1938. She was pregnant, had three

⁶⁹⁴ Melanie Marnich, *These Shining Lives* (New York: Dramatists Play Service Inc., 2010).

⁶⁹⁵ State v. Henry Poulos, July 26, 1920, District Court Second Judicial District, County of Silver Bow, register/case no. 5653, Butte-Silver Bow Public Archives, Butte, Montana, 4.

⁶⁹⁶ “Mrs. Mary Bracco Dies of Wounds; Husband Assailant,” *Montana Standard*, November 28, 1944.

little girls, and as a newcomer to the city likely had very few places to turn to for support when her husband's abuse escalated.⁶⁹⁷

These stories, however, are more than a collection of biographical details or the recollections of specific events. They reveal something concrete about the history of violence against women, the ways in which the media and public narrate those crimes, and ultimately how the law prosecutes the abuse of women's bodies. In parsing these cases and placing the abuse of these women within the context of all violent crime, this research illustrates the ways in which violence worked to maintain male power, but also defined relationships between related and unrelated men and women. The redefinition of these relationships and identities, however, did not only occur through physical abuse, but also through institutional and epistemic violence practices. Moreover, examining violence against women within a larger context of cultural, economic, and legal shifts, demonstrates that abuse is a product of patriarchy influenced by external pressures. We can better understand the violent exertion of patriarchy by taking into account larger structural forces that dictated men's relationships with women and even other men.

The statistical analysis of violence in the first half of the twentieth century reveals interesting patterns of and motivations for gendered brutality. The chapters on violence rates examine various *cultures* of violence—male-on-male, male-on-female, female-on-female, and female-on-male—the relationships of which require an investigation of both mitigating and antagonizing factors. Melody Graulich and other scholars of violence against women argue that a larger culture of violence can lend itself to “the common

⁶⁹⁷ Hazel Lee v. Leslie R. Lee, Civil Department, Index 940, Box no. C-1, January 29, 1940, Butte-Silver Bow District Court House, Butte, Montana.

belief that men have the right to dominate women and use force to coerce compliance with their wishes . . . [and the belief that the] abuse of women . . . [was] socially acceptable.”⁶⁹⁸ However, cultures of violence are far from static. In Butte, as a custom of male-on-male violence decreased, the practice of violence against women increased, much of it on the streets. It is important then to recognize that *cultures* of violence manifest themselves uniquely even as they exist simultaneously.

Chapters two through five focused in part on men’s motives, since they committed the vast majority of violent acts, oftentimes to maintain and enforce power. In the 1910s, destabilized unions and a culture of working-class force translated to more male-on-male abuse than male-on-female violence. However, violence against both populations followed similar patterns, increasing as industrial tension worsened. In many ways, it transferred conflict resolution and an abusive male culture into the home. During the interwar years, shifts in marriage and gender roles added to increased violence against women on the streets, and transitioned battles over commodity control into the domestic sphere. At the same time, entertainment practices, effective unionism, and renewed faith in the government reduced male-on-male violence. In the 1940s, home-front men’s ability to successfully restrict African Americans and women from mining jobs seemingly led to diminished male-on-male violence. However, in the same period, rates of violence against women reached startlingly high levels. Abusers, who bore witness to the civil violence of the 1910s, increasingly utilized violence in the home. Home front

⁶⁹⁸ Melody Graulich, “Violence Against Women: Power Dynamics in Literature on the Western Family,” in *The Women’s West*, eds. Susan Armitage and Elizabeth Jameson (Norman: University of Oklahoma Press, 1987), 113.

men's desire to access the power and sexual dominance over women that soldiers participated in amplified brutality against female bodies.

By examining multiple forms of violent crime, this study adds to a burgeoning scholarly focus on the history of homicide and widely held beliefs about violence patterns and causes. First, I will turn to the work of Randolph Roth, whose scholarship and "Historical Violence Database" have inspired historians to revisit the subject of violence and have provided a widely adopted model for data collection and analysis. Roth argues that homicide rates fell when people generally had faith in their government, confidence in the legal system, experienced patriotism, and shared a "belief that the social hierarchy is legitimate."⁶⁹⁹ While my statistics on male-on-male violence coincide with this argument, Roth's schema does not help explain why violence against women significantly increased over the forty-year period. That male-on-male violence in Butte closely parallels Roth's national study of homicide is evident in the correlation between union effectiveness and declining instances of violence. This is especially true after the 1934 strike, which ushered in fifty years of union stability and coincided with drastic declines in male-on-male violence.⁷⁰⁰ The four correlates Roth identifies with decreasing homicide, however, run contrary to my data on male-on-female violence. Even as male-on-male violence decreased, starting in the 1920s, men increasingly abused women. Rather than simply focusing on negative factors, this text considers why certain forms of violence spiked even as others fell.

⁶⁹⁹ Roth, *American Homicide*, 18.

⁷⁰⁰ Ore, "Labor and the New Deal in Butte, Montana," 95.

Roth also argues that nineteenth century homicide rates illustrate that the further individuals were from the frontier and immigrant experience, the more homicide between related adults resembled that of unrelated adults, since it became more lethally violent and was subject to the same forces that affected all homicide rates.⁷⁰¹ While this may be true for the nineteenth century, my data suggests a change in the twentieth. In Butte, over the first half of the twentieth century, relationships between related adults certainly became more lethal. Wife assault/homicide, however, did not consistently follow the same patterns as violence among unrelated adults. Moreover, my data highlights the importance of gender when examining lethal and non-lethal violence. Between 1910 and 1940, wife homicide doubled, reaching 8 per 100,000 in the 1930s and remaining steady in the 1940s. Husband homicide, conversely, peaked at 4 per 100,000 in the 1920s and fell to less than 1 per 100,000 in the in the 1930s and 1940s. Similarly, the rates of male-on-female street violence (homicide, rape, and assault) increased between 1910 and 1940 while rates of male-on-male street brutality decreased. While men continued to perpetrate the majority of violent crime, they increasingly targeted women (related and unrelated). Women on the other hand, grew less violent towards other women and men (related and unrelated) over the course of the study period. Mining multiple forms of violent crime indicates that while similarities persisted into the early twentieth century, by the 1920s Roth's theory no longer held true. When gender is the primary category of analysis used to analyze violence trends, correlates, including autonomy and power, more accurately align with changes in the target of male aggression.

⁷⁰¹ Roth, *American Homicide*, 253-254.

Additionally, my study introduces women to violence narratives that often focus on men, including the ways that industrial violence affected the lives of women. Scholarship on industrial wars tends to focus on violence immediately related to labor tensions, while overlooking larger violence systems. Evidence from Butte shows that overall violence increases during industrial tumult. Who withstands the worst of the corporal abuse and why were far from static, however. As Rhodri Jeffreys-Jones has illustrated, even successful union organizing is “no permanent guarantee of peace.”⁷⁰² This was the case for the domestic spillover in Butte. Even as miners’ unions became more secure following the 1934 strike, violence against women continued to grow.

Lastly, this project investigates home front hostilities during war in a city where many men remained employed as soldiers of industry. Scholars have successfully examined the impact of war on soldiers and their experiences with interpersonal violence. This is especially true in a post 9/11 world, where depression, suicide rates, and violence in military families have gained greater public attention. According to Catherine Lutz’s 2004 study, “rates of domestic violence are three to five times higher among military couples than among civilian ones,” and other forms of violence against women, including rape, are all too regular occurrences in military populations.⁷⁰³ While recently the public has taken greater interest in this issue, it is not likely new. As Roberts and others have documented, violence against women in war torn nations has a long history, and, as my research illustrates violence often finds its way home. The impacts of war on home front

⁷⁰² Rhodri Jeffreys-Jones, “Theories of Labour Violence,” *Journal of American Studies* 13, no. 2 (1979): 254.

⁷⁰³ Catherine Lutz, “Living Room Terrorists,” *Women’s Review of Books* 21, no. 5 (2004): 17.

violence, however, have not been successfully studied. The history of cities, like Butte, where men remained at work in strategic industries, alerts scholars to the possibility that conflict abroad also affects violence between men and women who stayed at home.

In addition to examining the rates and patterns of violence, I also consider the ways in which physical abuses were narrated. Scholarly attention to the ways in which crime, perpetrators, and victim/survivors are culturally constructed is increasingly important in the wake of modern violence trends. Recently, police brutality and mass-shootings in schools, movie theaters, and churches have brought the importance of these constructions to the forefront, as the media and the public grapple to categorize violent acts and the people involved. In chapter six of my dissertation, I trace the development of accepted violence narratives and the forces that shaped them. For example, “Mad Jealousy” and “Jealous Husband Kills” dominated local coverage of Butte domestic homicides in the years following World War I. While jealousy may have been a contributing factor in particular crimes, jealousy, as a narrative, was often put forth as an understandable motive at particular times depending on beliefs about masculinity, femininity, marriage, and infidelity. In projecting a jealous husband narrative onto wife homicides with some regularity, media outlets granted rhetorical privilege to abusers, depicting them as sympathetic and desperate to protect the cultural values of family and monogamous marriage. Simultaneously, they reduced murdered women, through the practice of epistemic violence, to a threat to these values.⁷⁰⁴ More than a passing

⁷⁰⁴ See Cecelia Baldwin, “The Development of Rhetorical Privilege in the News Reporting of Violent Crime.”

narrative, however, jealousy as justification for homicide found its way into courtrooms, where individual men utilized it to legally defend the murder of their wives.

Jealous husband narratives, however, have had impressive staying power, cycling through as “common sense” explanations for domestic violence with some regularity. Indeed, according to Google Ngrams, the glorified version of the jealous husband homicide, the “crime of passion,” has found more frequent use since 1900. Additionally, jealousy remains central to criminal justice literature on violence against women.⁷⁰⁵ For example, Katherine van Wormer and Albert R. Roberts’s *Death by Domestic Violence*, which aims to discuss preventative measures for domestic violence, includes a detailed discussion of jealousy. Specifically, they draw on a wide range of scholarship that describes a high number of men who commit femicide as “jealous types and substance abusers.” They explain “this overlap is probably because of the interconnectedness between intoxication and the arousal of jealous feelings in a man prone to violence.”⁷⁰⁶ While they are careful to differentiate between “normal” jealousy and that experienced by those already susceptible to violence, they neglect to consider what forces might be shaping definitions of jealousy at any given time and what cultural values and understandings about love and fidelity permit or reject jealousy as an accepted justification for murder.

This sparsity of interrogation has potentially serious implications for the prosecution of wife homicide. If jealousy is used to establish diminished capacity in a court of law, what measures are sociologists and criminologists using to identify or

⁷⁰⁵ van Wormer and Roberts, *Death by Domestic Violence*, 32; Also see, Mullen, “Jealousy and Violence,” 19.

⁷⁰⁶ van Wormer and Roberts, *Death by Domestic Violence*, 58.

diagnosis “abnormal” jealousy? While psychiatrist Paul E. Mullen acknowledges “jealousy has been claimed to be the commonest motivation to killing in domestic disputes in North America,” he contends that most people experience jealousy without ever turning to physical aggression.⁷⁰⁷ Despite this, courts frequently call on this emotion as part of a plea or to reduce a conviction.⁷⁰⁸ For this reason, Mullen asks justice officials to carefully consider the distinctions between “normal” and morbid jealousy, and I would add that equal attention needs to be paid to the mutability of these distinctions.⁷⁰⁹

Intimately connected to cultural constructions of violence are the legal definitions of crime and the execution of law. The Butte trial transcripts and State of Montana Supreme Court decisions used throughout chapter seven are invaluable to the examination of the history of violence against women. They open a window through which we see cultural conceptions of crime, womanhood, and masculinity. As A. Cheree Carlson argues in *The Crimes of Womanhood: Defining Femininity in a Court of Law*, the narration and reiteration of social beliefs in the writing and practice of law has real power: “jurors base verdicts on these stories. Judges [use them to] write decisions . . . and set the boundaries for future arguments,” and ultimately “elements of the story integrate themselves into the ‘law’ so thoroughly that they become ‘facts.’”⁷¹⁰ In my legal analysis, I examine the ways in which the law and its practice constructed bodies of potential perpetrators and/or victims and either provided for or inhibited equal access to protection. For example, throughout the twentieth century, rape laws remained rooted in early

⁷⁰⁷ Mullen, “Jealousy and Violence,” 18, 20.

⁷⁰⁸ *Ibid.*, 22.

⁷⁰⁹ *Ibid.*, 22-23.

⁷¹⁰ Carlson, *The Crimes of Womanhood*, 2.

twentieth century constructions of men and women and husbands and wives. Its practice, however, evolved. In the 1920s, as physicians came to view female sexuality as a dangerous pathology, practitioners of the law drew clearer connections between chastity and veracity, making rape allegations harder to prove than they had been in the previous two decades. Likewise, the courtroom narratives constructed in wife assault trials persistently pinpointed women's inobservance of feminine standards, even as these standards changed, as a way to justify and reassert men's right to abuse.

* * * * * *

In the final weeks of research and writing, I had the opportunity to co-direct the play *These Shining Lives* by Melanie Marnich—an apropos experience to say the least. The quote that opened this chapter is from the play, which recounts the lives of the women who worked at the Radium Dial factory in Ottawa, Illinois, in the 1920s and 1930s. Suffering from the slow, lethal violence of the radium paint they used to decorate clock and watch faces, they took the company to court. Their legal successes set a precedent. After they won their suit, Illinois and other states changed their laws and recognized corporations as responsible for their employees' health.

It seems fitting that I open my closing chapter with a quote from this play, as my direction of its retelling on the stage, my journey with this project, and the journey of the women I have introduced throughout this piece, have converged at a single moment. I hope that in my examination of physical, institutional, and epistemic violence through the stories of individual women's experiences has in some small way brought to an end their work.

REFERENCES

Archival Sources

Butte-Silver Bow Public Archives, Butte, Montana.

Butte City Ordinances. GR.CC.BC.007.

Butte Health Officer Records. GR.HL. BC.

Coroner's Reports, 1900-1950.

Coroner's Reports. Unprocessed Collection (Transcripts). GR.CO.SB.

County Poor Records. GR.AU.SB.002.

Clerk of the Court, Second Judicial District Court. GR.DC.SB.

District Court Journals. GR.DC.SB.001.

District Court Register of Actions. GR.DC.SB.002.

Massey, Sarah. "My Memories of the Miner's Strike and the Destruction Done to Our House at 2213 Oak Street, Friday April 12 through Sunday April 14, 1946." Vertical File AW M008.001.

R.L. Polk and Company Directories, 1900-1950.

Record of Criminal Actions, Justice Court. GR.JPC.BSB.003.

School Census Records, 1900-1950.

Standard Certificates of Death, State of Montana, Butte-Silver Bow County, Montana, 1910-1950.

Montana Historical Society

County Attorney Frank P. Whicher to Governor Samuel V. Stewart. 20 February 1913. MC 35, Box 6, Folder 6.

House Bills Received. MC35, Box 4, Folder 8, 1909.

House Bills Received. MC35, Box 7, Folder 6, 1913.

State Law Library of Montana

Montana Rev. Code Ann. (1907).

Montana Rev. Code Ann. (1915).

Montana Rev. Code Ann. (1921).

Montana Rev. Code Ann. (1935).

Montana Rev. Code Ann. (1947).

Montana Rev. Code Ann. (1959).

Montana Supreme Court Decisions

State v. Williams, 9 Mont. 179; 23P. 335 (1890).

State v. Bowser, 21 Mont. 133; 53P. 179 (1898).

State v. Mahoney, 24 Mont. 281; 61P. 647 (1900).

State v. Peres, 27 Mont. 358; 71P. 162 (1903).

State v. Jones, 32 Mont. 422; 80P. 1095 (1905).

State EX REL. Webb, Realtor v. District Court ET AL., 37 Mont. 191; 95P. 593 (1908).

State v. Needy, 43 Mont. 422; 117P. 102 (1911).

State v. Morrison, 46 Mont. 84; 125P. 649 (1912).

State v. Vinn, 50 Mont. 27; 144P. 773 (1914).

State v. Richardson, 63 Mont. 322; 207P. 124 (1922).

State v. Hennessy, 73 Mont. 20; 234P. 1094 (1925).

State v. Duncan, 82 Mont. 170; 266P. 400 (1928).

State v. Whitmore, 94 Mont. 119; 21P. 2d 58 (1933).

State v. Traufer, 109 Mont. 275; 97P. 2d 336 (1939).

State v. Peschel, 115 Mont. 187; 142P. 2d 559 (1943).

Government Documents

“Courts Martial Legislation: A Study of the Proposed Legislation to Amend the Articles of War (H.R. 2575); and to Amend the Articles for the Government of the Navy (H.R. 3687; S. 1338).” *80th Congress 2nd Session, Senate Committee Print*. Washington: United States Government Printing Office, 1948.

Mann Act of 1910, 18 U.S.C.A § 2421 (1910).

Montana. North Philipsburg, Granite County. 1940 Census, population schedule.

Montana. Butte, Silver Bow County. 1900 Census, population schedule.

Montana. Butte, Silver Bow County. 1910 Census, population schedule.

Montana. Butte, Silver Bow County. 1920 Census, population schedule.

Montana. Butte, Silver Bow County. 1930 Census, population schedule.

Montana. Butte, Silver Bow County. 1940 Census, population schedule.

Montana. Butte, Silver Bow County. 1950 Census, population schedule.

North Dakota. Fargo, Cass County. 1900 Census, population schedule.

Washington. Spokane, Spokane County. 1930 Census, population schedule.

Published Primary Sources

Bell, Ernst A. *For God's Sake Do Something, Gen. Booth: Fighting the Traffic in Young Girls, or War on the White Slave Trade*. Chicago: G.S. Ball, 1910.

Bell, Margaret. *When Montana and I Were Young: A Frontier Childhood*. Edited by Mary Clearman Blew. Lincoln: University of Nebraska Press, 2002.

Foster, Hannah W. *The Coquette*, ed. with introduction Cathy N. Davidson. New York: Oxford University Press, 1986.

Maclane, Mary. *The Story of Mary Maclane*. Helena, MT: Herberts S. Stone & Co., 1902.

Lundberg, Ferdinand and Marynia F. Farnham. *Modern Woman: The Lost Sex*. New York: Harper and Brothers Publishing, 1947.

Stephen, James Fitzjames and George S. Berry. *A Digest of the Law of Evidence*.
Denver, Colorado: W.H. Courtright Publishing Company, 1918.

Newspapers

Big Timber Pioneer (Big Timber, MT)

Butte Miner

*Copper Commando: The Official Newspaper of the Victory Labor-Management
Production Committees of Butte, Anaconda and Great Falls*

Daily Journal (Telluride, CO)

Montana Standard

Newsweek

Dissertations, Theses, and Unpublished Papers

Axline, Jonathan Alan. "This is a Case for the Police!: The Butte Police Department,
1914-1920. Master's thesis, Montana State University, 1985.

Case, Bridgette Dawn Case. "The Women's Protective Union: Union Women Activists in
a Union Town, 1890-1929." Master's thesis, Montana State University, 2004.

Gallegos, Jose V., and Italo A. Gutierrez. "The Effect of Civil Conflict on Domestic
Violence: The Case of Peru." Unpublished Manuscript, Department of
Economics, Syracuse University, Syracuse, New York, 2011.
[http://jvgalleg.mysite.syr.edu/default_files/Research_files/Gallegos-
Gutierrez%20%20Civil%20Conflict%20and%20Domestic%20Violence%20JDE.
pdf](http://jvgalleg.mysite.syr.edu/default_files/Research_files/Gallegos-Gutierrez%20%20Civil%20Conflict%20and%20Domestic%20Violence%20JDE.pdf).

Johnson, Michael P. "Two Types of Violence Against Women in the American Family:
Identifying Patriarchal and Common Couple Violence." Paper presented at the
Annual Meetings of the National Council on Family Relations. Irvine, CA,
November 1999.

King-Powers, Stacy. "Caught in the Crossfire: Violence Against Women, Butte,
Montana, 1895-1920." Master's thesis, Montana State University, 1985.

Murphy, Mary. "Surviving Butte: Leisure and Community in a Western Mining City,

1917-1941.” PhD diss., University of North Carolina, 1990.

Noe, Dominik, and Johannes Rieckmann. “Violent Behavior: The Effect of Civil Conflict on Domestic Violence in Columbia.” Unpublished manuscript, Courant Research Centre Poverty, Equity and Growth, Universität Göttingen, September 19, 2013. http://www2.vwl.wiso.uni-goettingen.de/courant-papers/CRC-PEG_DP_136.pdf.

Ore, Janet. “Labor and the New Deal in Butte, Montana: The International Union of Mine, Mill, and Smelter Workers’ Strike of 1934.” Master’s thesis, Washington State University, 1987. Vertical File AW 0006, Butte-Silver Bow Public Archives, Butte, Montana.

Resko, Stella M. “Intimate Partner Violence Against Women: Exploring the Intersections of Race, Class, and Gender.” PhD diss., Ohio State University, 2007.

Werner, Kathleen Elizabeth. “Mobilizing the Rural Home Front: The Extension Service, Montana Women, and World War II.” Master’s thesis, Montana State University, 2003.

Books

Anderson, Karen. *Wartime Women: Sex Roles, Family Relations, and the Status of Women During World War II*. Westport: Greenwood Press, 1981.

Andrews, Thomas. *Killing for Coal: America’s Deadliest Labor War*. Cambridge: Harvard University Press, 2008.

Armitage, Susan, and Elizabeth Jameson, eds. *The Women’s West*. Norman: University of Oklahoma Press, 1987.

Barnett, Ola W., Cindy L. Miller-Perrin, and Robin D. Perrin. *Family Violence Across the Lifespan: An Introduction*. Thousand Oaks, CA: SAGE, 2011.

Barthes, Roland. “Myth Today.” In *Cultural Theory and Popular Culture: A Reader*, ed. John Storey. Edinburgh Gate: Prentice Hall, 1998.

Basso, Matthew, Laura McCall, and Dee Garceau, eds. *Across the Great Divide: Cultures of Manhood in the American West*. New York: Routledge, 2001.

Basso, Matthew. “Man Power: Montana Copper Workers, State Authority, and the (Re)drafting of Manhood During World War II.” In Basso, McCall, and Garceau, *Across the Great Divide*, 185-210.

—. *Meet Joe Copper: Masculinity and Race on Montana’s World War II Home Front*. Chicago: The University of Chicago Press, 2013.

- Bederman, Gail. *Manliness and Civilization: A Cultural History of Gender and Race in the United States, 1880-1917*. Chicago: The University of Chicago Press, 1995.
- Bennett, Judith M. *History Matters: Patriarchy and the Challenge of Feminism*. Philadelphia: University of Pennsylvania Press, 2006.
- Benson, Susan Porter. *Counter Cultures: Saleswomen, Managers, and Customers in American Department Stores, 1890-1940*. Urbana: University of Illinois Press, 1986.
- Block, Sharon. *Rape and Sexual Power in Early America*. Chapel Hill: University of North Carolina Press, 2006.
- Bourdieu, Pierre. "How Can One Be A Sports Fan?." In *The Cultural Studies Reader*, edited by Simon During, 427-440. New York: Routledge, 1999.
- Bourke, Joanna. *Fear: A Cultural History*. Emeryville, CA: Shoemaker and Hoard, 2005.
- . *Rape: Sex, Violence, History*. Berkeley: Counterpoint, 2007.
- Buszek, Maria Elena. *Pin-Up Grrrls: Feminism, Sexuality, Popular Culture*. Durham: Duke University Press, 2006.
- Brown, Carrie. *Rosie's Mom: Forgotten Women Workers of the First World War*. Boston: Northeastern University Press, 2002.
- Brownmiller, Susan. *Against Our Will: Men, Women, and Rape*. New York: Bantam Books, 1975.
- Carlson, A. Cheree. *The Crimes of Womanhood: Defining Femininity in a Court of Law*. Urbana: University of Illinois Press, 2014.
- Carter, Sarah. *The Importance of Being Monogamous: Marriage and Nation Building in Western Canada to 1915*. Edmonton: University of Alberta Press, 2008.
- Chauncey, George. *Gay New York: Gender, Urban Culture, and the Making of the Gay Male World, 1890-1940*. New York: Basic Books, 1994.
- Cocca, Carolyn E. *Jailbait: The Politics of Statutory Rape Laws in the United States*. Albany: State University of New York Press, 2004.
- Cott, Nancy F. *Public Vows: A History of Marriage and the Nation*. Cambridge: Harvard University Press, 2000.

- Crain, Ellen, and Andrea McCormick, "Butte's Cadet Nurses: Commitment to Country, Community, and Caregiving," in Finn and Crain, *Motherlode*, 123-137.
- Daniels, Christine, and Michael V. Kennedy. *Over the Threshold: Violence in Early America*. New York: Routledge, 1999.
- DeKeseredy, Walter S. *Violence Against Women: Facts, Myths, Controversies*. Toronto: University of Toronto Press, 2011.
- Del Mar, David Peterson. *Beaten Down: A History of Interpersonal Violence in the West*. Seattle: University of Washington Press, 2002.
- . *What Trouble I Have Seen: A History of Violence Against Wives*. Cambridge: Harvard University Press, 1996.
- Dutton, Donald G. *Rethinking Domestic Violence*. Vancouver: UBC Press, 2006.
- Enstad, Nan. *Ladies of Labor, Girls of Adventure: Working Women, Popular Culture, and Labor Politics at the Turn of the Twentieth Century*. New York: Columbia University Press, 1999.
- Estrich, Susan. *Real Rape*. Cambridge: Harvard University Press, 1987.
- Faragher, John Mack. *Eternity Street: Violence and Justice in Frontier Los Angeles*. New York: W.W. Norton and Company, 2016.
- Finn, Janet L. and Ellen Crain. "Butte's Women Warriors: Taking a Stand Against Poverty and Violence." In Finn and Crain, *Motherlode*, 236-251.
- Finn, Janet L. and Ellen Crain, eds. *Motherlode: Legacies of Women's Lives and Labors in Butte, Montana*. Livingston, MT: Clark City Press, 2005.
- Finn, Janet L. *Mining Childhood: Growing up in Butte, Montana, 1900-1960*. Helena: Montana Historical Society Press, 2012.
- Finn, Janet L. *Tracing the Veins Of Copper, Culture, and Community from Butte to Chuquicamata*. Berkeley: University of California Press, 1998.
- Fisher, Sue and Kathy Davis, *Negotiating at the Margins: The Gendered Discourses of Power and Resistance*. New Brunswick: Rutgers University Press, 1993.
- Freedman, Estelle B. *Redefining Rape: Sexual Violence in the Era of Suffrage and Segregation*. Cambridge: Harvard University Press, 2013.

- Friedman, Lawrence M. *Crime and Punishment in American History*. New York: Basic Books, 1993.
- Goldstein, Joshua S. *War and Gender: How Gender Shapes the War System and Vice Versa*. Cambridge: Cambridge University Press, 2001.
- Gordon, Linda. *Heroes of Their Own Lives: The Politics and History of Family Violence, Boston, 1880-1960*. New York: Viking, 1988.
- Graulich, Melody. "Violence Against Women: Power Dynamics in Literature on the Western Family." In Armitage and Jameson, *The Women's West*, 111-125.
- Gurr, Ted Robert, ed. *Violence in America: The History of Crime*. Newbury Park: Sage, 1989.
- Hallett, Hilary A. *Go West, Young Women!: The Rise of Early Hollywood*. Berkeley: University of California Press, 2013.
- Hartog, Hendrik. *Man and Wife in America: A History*. Cambridge: Harvard University Press, 2000.
- Hilton, N. Zoe. *Legal Responses to Wife Assault: Current Trends and Evaluation*. Newbury Park, CA: SAGE Publications, Inc., 1993.
- Hoganson, Kristen L. *Consumers' Imperium: The Global Production of American Domesticity, 1865-1920*. Chapel Hill: The University of North Carolina Press, 2007.
- Hollon, W. Eugene. *Frontier Violence: Another Look*. New York: Oxford University Press, 1974.
- Hoff, Joan. *Law, Gender, and Injustice: A Legal History of U.S. Women*. New York: New York University Press, 1991.
- Hofstadter, Richard, and Michael Wallace, eds. *American Violence: A Documentary History*. New York: Vintage Books, 1971.
- Irwin, Mary Ann, and James F. Brooks, eds. *Women and Gender in the American West*. Albuquerque: University of New Mexico Press, 2004.
- Johnson, Marilyn S. *Violence in the West: The Johnson County Range War and the Ludlow Massacre, a Brief History with Documents*. Boston: Bedford/St. Martin's, 2009.
- Kennedy, David M. *Freedom from Fear: The American People in Depression and War*,

- 1929-1945. New York: Oxford University Press, 1999.
- Kessler-Harris, Alice. *In Pursuit of Equity: Women, Men, and the Quest for Economic Citizenship in Twentieth-Century America*. New York: Oxford University Press, 2001.
- Laqueur, Thomas. *Making Sex: Body and Gender from the Greeks to Freud*. Cambridge: Harvard University Press, 1990.
- Lin, Zhiqiu. *Policing the Wild North-West: A Sociological Study of the Provincial Police in Alberta and Saskatchewan, 1905-32*. Calgary: University of Calgary Press, 2007.
- Marnich, Melanie. *These Shining Lives*. New York: Dramatists Play Service Inc., 2010.
- Mather, Ruth E. and F. E. Boswell. *Gold Camp desperadoes: A Study of Crime, Violence, and Punishment on the Mining Frontier*. Norman: University of Oklahoma Press, 1990.
- May, Elaine Tyler. *Homeward Bound: American Families in the Cold War Era*. New York: Basic Books, 2008.
- McGrath, Roger D. *Gunfighters, Highwaymen & Vigilantes: Violence on the Frontier*. Berkeley: University of California Press, 1984.
- McGuire, Danielle L. *At the Dark End of the Street: Black Women, Rape, and Resistance – a New History of the Civil Rights Movement from Rosa Parks to the Rise of Black Power*. New York: Alfred A. Knopf, 2010.
- Meloy, Michelle L., and Susan L. Miller. *The Victimization of Women: Law Policies, and Politics*. New York: Oxford University Press, 2011.
- Meyerowitz, Joanne, ed. *Not June Cleaver: Women and Gender in Postwar America, 1945-1960*. Philadelphia: Temple University Press, 1994.
- Murphy, Mary. *Hope in Hard Times: New Deal Photographs of Montana, 1936-1942*. Helena, MT: Montana Historical Society Press, 2003.
- . *Mining Cultures: Men, Women, and Leisure in Butte, 1914-1941*. Urbana: University of Illinois Press, 1997.
- . “The Private Lives of Public Women: Prostitution in Butte, Montana, 1878-1917.” In Armitage and Jameson, *The Women’s West*, 193-205.

- Newby, Rick, and Suzanne Hunger, eds. *Writing Montana: Literature under the Big Sky*. Helena: Montana Center for the Book, 1996.
- Nixon, Rob. *Slow Violence and the Environmentalism of the Poor*. Cambridge: Harvard University Press, 2011.
- Peck, Gunther. "Manly Gambles: The Politics of Risk on the Comstock Lode, 1860-1880." In Basso, McCall, and Garceau, *Across the Great Divide*, 73-96.
- Peiss, Kathy L. *Hope in a Jar: The Making of America's Beauty Culture*. New York: Metropolitan Books/Henry Holt, 1998.
- Pleck, Elizabeth. *Domestic Tyranny: The Making of American Social Policy against Family Violence from Colonial Times to the Present*. New York: Oxford University Press, 1987.
- Petrik, Paula. *No Step Backward: Women and Family on the Rocky Mountain Mining Frontier, Helena, Montana, 1865-1900*. Helena: Montana Historical Society, 1987.
- Punke, Michael. *Fire and Brimstone: The North Butte Mining Disaster of 1917*. New York: Hyperion, 2006.
- Tuttle, William M. Jr. *Daddy's Gone to War: The Second World War in the Lives of America's Children*. New York: Oxford University Press, 1993.
- Rediker, Marcus, *The Slave Ship: A Human History* (New York: Viking, 2007).
- Rembis, Michael A. *Defining Deviance: Sex, Science, and Delinquent Girls, 1890-1960*. Urbana: University of Illinois Press, 2013.
- Richter, Irving. *Labor's Struggles, 1945-1950: A Participants View*. Cambridge: Cambridge University Press, 1994.
- Roberts, Mary Louise. *What Soldiers Do: Sex and the American GI in World War II France*. Chicago: University of Chicago Press, 2013.
- Ross, Marilyn Maney and Janet L. Finn. "Sisterhood is Powerful: The Labors of Butte Women's Protective Union." In Finn and Crain, *Motherlode*, 34-52.
- Roth, Randolph. *American Homicide*. Cambridge: Harvard University Press, 2009.
- Slotkin, Richard. *Regeneration Through Violence: The Mythology of the American Frontier, 1600-1860*. New York: Harper Perennial, 1973.

- Slotkin, Richard. *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America*. Norman: University of Oklahoma Press, 1992.
- Straus, Murray A., Richard J. Gelles, and Suzanne K. Steinmetz. *Behind Closed Doors: Violence in the American Family*. New Brunswick: Transaction Publishers, 2009.
- Swibold, Dennis L. *Copper Chorus: Mining, Politics, and the Montana Press, 1889-1959*. Helena, Montana: The Montana Historical Society Press, 2006.
- Trotti, Michael Ayers. *The Body in the Reservoir: Murder and Sensationalism in the South*. Chapel Hill: University of North Carolina Press, 2008.
- Van Wormer, Katherine and Albert R. Roberts. *Death by Domestic Violence: Preventing the Murders and Murder-Suicides*. Westport, CT: Praeger Publishers, 2009.
- Walker, Nancy A. ed. *Women's Magazines 1940-1960: Gender Roles and the Popular Press*. Boston: Bedford/St. Martins, 1998.

Articles

- Aitken, Jo. "The Horrors of Matrimony Among the Masses: Feminist Representations of Wife Beating in England and Australia, 1870-1914." *Journal of Women's History* 19, no. 4 (2007): 107-131.
- Anderson, Kristen L. "Gender, Status, and Domestic Violence: An Integration of Feminist and Family Violence Approaches." *Journal of Marriage and Family* 59, no. 3 (1997): 655-669.
- Baldwin, Cecelia. "The Development of Rhetorical Privilege in the News Reporting of Violent Crime." *Race, Gender, and Class* 8, no. 4 (2001): 8-19.
- Baptist, Edward E. "'Cuffy,' 'Fancy Maids,' and 'One-Eyed Men': Rape, Commodification, and the Domestic Slave Trade in the United States." *The American Historical Review* 106, no. 5 (2001): 1619-1650.
- Bender, Daniel E. "'Too Much of Distasteful Masculinity': Historicizing Sexual Harassment in the Garment Sweatshop and Factory." *Journal of Women's History* 15, no. 4 (2004): 91-116.
- Block, Sharon. "Rape Without Women: Print Culture and the Politicization of Rape, 1765-1815." *The Journal of American History* 89, no. 3 (2002): 849-868.
- Borden, Diane M., and Eric P. Essman. "Manifest Landscape/Latent Ideology: Afterimages of Empire in the Western and 'Post-Western' Film." *California History* 79, no. 1 (2000): 30-41.

- Boydston, Jeanne. "Gender as a Question of Historical Analysis." *Gender and History* 20, no. 3 (2008): 558-583.
- Call, Jack E., David Nice, and Susette M. Talarico. "An Analysis of Rape Shield Laws." *Social Science Quarterly* 72, no. 4 (1991): 774-788.
- Cahill, Ann J. "Foucault, Rape, and the Construction of the Feminine Body." *Hypatia* 15, no. 1 (2000): 43-63.
- Cantrell, Peggy J. "Family Violence and Incest in Appalachia." *Journal of the Appalachian Studies Association* 6 (1994): 39-47.
- Card, Claudia. "Rape as a Weapon of War." *Hypatia* 11, no. 4 (1996): 5-18.
- Cohen, Patricia Cline. "The Helen Jewett Murder: Violence, Gender, and Sexual Licentiousness in Antebellum America." *NWSA* 2, no. 3 (1990): 374-389.
- Curran, Laura. "Social Work's Revised Materialism: Mothers, Workers, and Welfare in Early Cold War America, 1945-1975." *Journal of Women's History* 17, no. 1 (2005): 112-136.
- Davis, L.V. "Listening to the Voices of Battered Women: What Helps Them Escape Violence?" *Affilia* 10 (1995): 49-69.
- Dykstra, Robert R. "Body Counts and Murder Rates: The Contested Statistics of Western Violence." *Reviews in American History* 31, no. 4 (2003): 554-563.
- . "Quantifying the Wild West: The Problematic Statistics of Frontier Violence." *Western Historical Quarterly* 40, no. 3 (2009): 321-347.
- Edwards, Laura F. "Law, Domestic Violence, and the Limits of Patriarchal Authority in the Antebellum South." *The Journal of Southern History* 65, no. 4 (1999): 733-770.
- Estrich, Susan. "Rape," *The Yale Law Journal* 95, no.6 (1986): 1087-1089.
- Ferguson, Eliza Earle. "Domestic Violence by Another Name: Crimes of Passion in Fin-de-Siècle Paris." *Journal of Women's History* 19, no. 4 (2007): 12-34.
- Ferraro, Kathleen. "The Dance of Dependency: A Genealogy of Domestic Violence Discourse." *Hypatia* 11, no. 4 (1996): 77-91.
- Flood, Dawn Rae. "'They Don't Treat Me Good': African American Rape Victims and

- Chicago Courtroom Strategies During the 1950s." *Journal of Women's History* 17, no. 1 (2005): 38-61.
- Frank, Katherine. "What's Wrong with Sexual Harassment." *Stanford Law Review* 49, no. 4 (1997): 691-722.
- Gittleman, H. M. "Perspectives on American Industrial Violence." *The Business History Review* 47, no. 1 (1973): 1-23.
- Graham, Hugh Davis, "The Paradox of American Violence: A Historical Appraisal." *Annals of the American Academy of Political and Social Science* 391 (1970): 74-82.
- Gutfeld, Arnon. "The Speculator Disaster in 1917: Labor Resurgence at Butte, Montana." *Arizona and the West* 11, no. 1 (1969): 27-38.
- Haag, Pamela. "The 'Ill-Use of a Wife:' Patterns of Working-Class Violence in Domestic and Public New York, 1860-1880." *Journal of Social History* 25, no. 3 (1992): 447-477.
- Harris, Ruth. "Melodrama, Hysteria and Feminine Crimes of Passion in the Fin-de-Siecle." *History Workshop Journal* 25, no. 1 (1988): 31-63.
- Hollander Jocelyn A. and Rachel L. Einwohner, "Conceptualizing Resistance." *Sociological Forum* 19, no. 4 (2004): 533-554.
- Hunnicut, Gwen. "Varieties of Patriarchy and Violence Against Women: Resurrecting 'Patriarchy' as a Theoretical Tool." *Violence Against Women* 15, no. 5 (2009): 553-573.
- Huss, Matthew T., and Jennifer Langhinrichsen-Rohling. "Assessing the Generalization of Psychopathy in a Clinical Sample of Domestic Violence Perpetrators." *Law and Human Behavior* 30, no. 5 (2006), 571-586.
- Jaraus, Konrad Hugo, and Kenneth A. Hardy. *Quantitative Methods for Historians: A Guide to Research, Data, and Statistics*. Chapel Hill: University of North Carolina Press, 1991.
- Jeffreys-Jones, Rhodri. "Theories of American Labour Violence." *Journal of American Studies* 13, no. 2 (1979): 245-264.
- Johnson, Michael P. "Patriarchal Terrorism and Common Couple Violence: Two Forms of Violence against Women." *Journal of Marriage and Family* 57, no. 2 (1995): 283-294.

- Keetley, Dawn. "From Anger to Jealousy: Explaining Domestic Homicide in Antebellum America." *Journal of Social History* 42, no. 2 (2008): 269-297.
- Kersten, Joachim. "Culture, Masculinity, and Violence Against Women." *The British Journal of Criminology* 36, no. 3 (1996): 381-395.
- Kurz, Demie. "Social Science Perspectives on Wife Abuse: Current Debates and Future Directions." *Gender and Society* 3, no. 4 (1989): 489-505.
- Lindemann, Barbara S. "'To Ravish and Carnally Know': Rape in Eighteenth-Century Massachusetts." *Signs* 10, no. 1 (1984): 63-82.
- Lunbeck, Elizabeth. "'A New Generation of Women': Progressive Psychiatrists and the Hypersexual Female." *Feminist Studies* 13, no. 3 (1987): 513-543.
- McDonough, Susan. "She Said, He Said, and They Said" Claims of Abuse and a Community's Response in Late Medieval Marseille." *Journal of Women's History* 19, no. 4 (2007): 35-58.
- McRobbie, Angela and Sarah L. Thornton. "Rethinking 'Moral Panic' for Multi-Mediated Social Worlds." *The British Journal of Sociology* 46, no. 4 (1995): 559-574.
- Michalski, Joseph H. "Explaining Intimate Partner Violence: The Sociological Limitations of Victimization Studies." *Sociological Forum* 20, no. 4 (2005) 613-640.
- Monkkonon, Eric H. "Homicide in Los Angeles, 1827-2002." *The Journal of Interdisciplinary History* 36, no.2 (2005): 167-183.
- Mullen, Paul E. "Jealousy and Violence." *Hong Kong Journal of Psychiatry* 5 (1995): 18-24.
- Murphy, Mary. "Bootlegging Mothers and Drinking Daughters: Gender and Prohibition in Butte, Montana." *American Quarterly* 46, no. 2 (1994): 174-194.
- Peiss, Kathy L. "American Women and the Making of Modern Consumer Culture." Phi Alpha Theta lecture, University at Albany, State University of New York, NY, March 26, 1998. *The Journal for Multi Media History* 1, no. 1 (1998).
- Petrik, Paula. "Not a Love Story: Bordeaux v. Bordeaux." *Montana: The Magazine of Western History* 41, no. 2 (1991): 32-46.
- . "If She Be Content: The Development of Montana Divorce Law, 1865-1907." *Western Historical Quarterly* 18, no. 3 (1987): 261-291.

- Presser, Lois. "Violent Offenders, Moral Selves: Constructing Identities and Accounts in the Research Interview." *Social Problems* 51, no. 1 (2004): 82-101.
- Robbins, Paul, Katherine Meehan, Hannah Gosnell, and Susan J. Gilbertz. "Writing the New West: A Critical Review." *Rural Sociology* 74, no. 3 (2009): 356-382.
- Roth, Randolph, Michael D. Maltz, and Douglas L. Eckberg. "Homicide Rates in the Old West." *Western Historical Quarterly* 42, no. 2 (2011): 173-195.
- Roth, Randolph. "Measuring Feelings and Beliefs that May Facilitate (or Deter) Homicide: A Research Note on the Causes of Historic Fluctuations in Homicide Rates in the United States." *Sage* 12, no. 2 (2012): 197-216.
- Ryan, Rebecca M. "The Sex Right: A Legal History of Marital Rape Exemption," *Law and Social Inquiry* 20, no. 4 (1995): 941-1001.
- Ryder, Richard. "Violence and Machismo." *RSA Journal* (1993): 706-717.
- Sacco, Vincent F. "Media Constructions of Crime." *American Academy of Political and Social Science* 539 (1995): 141-154.
- Thomas, E. K. "Domestic Violence in African American and Asian American Communities: A Comparative Analysis of Two Racial/Ethnic Minorities Cultures and Implications for Mental Health Service Provision for Women of Color." *Psychology: A Journal of Human Behavior* 37 (2000): 3-18.
- Umberson, Debra, Kristin L. Anderson, Kristi Williams, and Meichu D. Chen. "Relationship Dynamics, Emotion State, and Domestic Violence: A Stress and Masculinities Perspective." *Journal of Marriage and Family* 65, no. 1 (2003): 233-247.
- Walby, Sylvia. "Theorizing Patriarchy." *Sociology* 23, no. 2 (1989): 213-234.
- Weldon, S. Laurel. "Women's Movements, Identity Politics, and Policy Impacts: A Study of Policies on Violence against Women in the 50 United States." *Political Research Quarterly* 59, no. 1 (2006): 111-122.
- Whaley, Rachel Bridges. "The Paradoxical Relationship between Gender Inequality and Rape: Toward a Refined Theory." *Gender and Society* 15, no. 4 (2001): 531-555.
- Whitehead, Neil L. "Violence and Cultural Order." *Daedalus* 136, no. 1 (2007): 40-50.
- Winkler, Martin M. "Classical Mythology and the Western Film." *Comparative Literature Studies* (1985): 516-540.

- Witkowski, Terrence H. "World War II Poster Campaigns: Preaching Frugality to American Consumers," *Journal of Advertising* 32, no. 1 (2003): 69-82.
- Wood, J. Carter. "Self-Policing and the Policing of the Self: Violence, Protection and the Civilizing Bargain in Britain." *Crime, Histoire & Societes* 7, no. 1 (2003): 109-128.
- Worthman, Carol M. "Hormones, Sex, and Gender." *Annual Review of Anthropology* 24 (1995): 593-617.