



**HISTORICAL STUDIES JOURNAL**



University of Colorado at Denver  
SPRING 2004 • VOLUME 21

*Sorry for women  
efforts at the Gu  
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Civil Center Park*

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Front Cover:

Rally for women's suffrage at the Grecian Temple in Denver's Civic Center Park, ca. 1910.  
Credit: Tom Noel Collection.

Back Cover:

A meeting of the Colorado Ladies of the Ku Klux Klan, ca. 1925.  
Credit: Tom Noel Collection.

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If there is one thing Americans usually fail to take into account when trying to understand current events, it is that everything that happens is rooted in the past. It is what makes the study of history so important as we struggle to find some logic and pattern to what often seem to be random events. The articles in this year's edition of the *Historical Studies Journal* demonstrate this idea of looking to the past to comprehend the forces shaping the present.

In *Detecting Identity: How British National Identity Is Revealed In Detective Novels, 1920-1938* author Susan J. Gustin uses the work of British writers to reveal various cultural attitudes prevalent in that society in the years between the First and Second World Wars. In her study, Gustin not only uncovers many of the social and racial attitudes within British society during that period, but also examines the struggle of Britons to redefine their own identity within the context of a global colonial empire. Starting from the view of most historians that people at all levels of interwar British society were acutely conscious of the Empire, the author seeks to examine the impact this awareness had on their identity as a people. Concentrating on the numerous detective novels published during this period, Gustin looks for the clues that will reveal British attitudes about themselves and the people they governed around the globe, as well as how modern Britons define their national identity.

Cathy Walker's *From Colonial Domesticity to Suffrage Platform: The Rhetorical Revolution of Republican Motherhood* examines the role of women in shaping the early years of the American republic. In her analysis, Walker looks at how this concept was forged into a powerful tool to be wielded later by groups both for and against women's suffrage. Beginning with the emergence of the concept of Republican Motherhood during the American Revolution, Walker steps the reader through the process by which the suffragettes attempted to use this as the basis for making their case for extending the franchise to women. Walker also demonstrates the manner in which the forces working to deny the vote to women utilized this same concept to support their contentions that women were unsuited to a full role in society. As we are all aware, many elements of this debate continue to shape American society in the early years of the twenty first century.

In her article, *History of the Writ of Habeas Corpus and President Lincoln's Suspension of the Writ During the War of the Rebellion*, Juliette R. Hidahl examines one of the underpinnings of both British and American law. After a careful examination of the evolution of the legal concept known as *habeas corpus*, Hidahl leads us through the history of its application. In the process, Hidahl demonstrates how this concept has become part of the basic safety net that guards the rights of defendants in the face of the enormous power of the state. What is especially fascinating about this article is not only how the author analyzes the suspension of the writ by Abraham Lincoln during the Civil War, but also how the Bush administration is attempting to subvert *habeas corpus* on the pretext of fighting terrorism.

Leslie Karnauskas' article, *Dana Crawford and Historic Preservation In Colorado: Past, Present and Future* represents a change of pace, as well as focusing the spotlight on local history. Anyone who has the least bit of involvement with historic preservation in Metro Denver recognizes the name Dana Crawford. A living legend among the preservation community, Crawford led the way in revitalizing LoDo and other historic neighborhoods in Denver. Karnauskas not only tells the story of how Crawford fought off urban renewal, but also how she learned that there is something to be said for adapting old buildings to new uses, instead of just tearing them down to make way for office towers and parking lots. Even Crawford's sharpest critics admit that she has played a major role in helping to shape modern Denver by preserving something of its past.

The articles in this edition of the Journal demonstrate a broad range of interests by students in the UCD history program. What they also show is the importance of studying history and how the knowledge gained can be applied to events in our own time. People enter the history profession for a variety of reasons, but mostly it boils down to the desire to understand not just events in the past, but human society and the interplay of individuals whose actions created our world. As long as people continue to be curious about how things came to be the way they are, we will have historians.

David J. Richardson  
*Editor*



### DETECTING IDENTITY:

#### How British National Identity Is Revealed In Detective Novels, 1920-1938

by Susan J. Gustin

In Agatha Christie's novel *Murder in Mesopotamia*, detective Hercule Poirot muses over the possible identity of the murderer. He startles the victim's husband by observing: "Remember, she is not looking for [her murderer] amongst her own household. She visualizes him as somewhere *outside* – a stranger [italics in original]."<sup>1</sup> Poirot suggests that the victim could only picture threats as coming from "outside," not from those within her group with whom she identifies. People have always defined their identities within groups, with ideas about who is inside the group and who is outside. In fact, sometimes it is easier to define who is outside of a group than it is to define who is included in the group. As sociologist Robin Cohen puts it, "we know who we are by agreeing who we are not."<sup>2</sup> In *Murder in Mesopotamia*, the members of the archeological team are a disparate collection of nationalities and personalities, with both sexes represented, but one thing that ties them together is that they are *not* of Iraq, where they are working and studying.

Above: Representative sample of British detective novel covers from the 1920s and 1930s. Credit: Daniel Shosky

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Defining British identity, who was British and who was not, is difficult for the years between World Wars I and II. Great Britain itself was a conglomeration of England, Scotland, Wales and, as of 1922, Northern Ireland. In addition, Britain controlled a huge empire, the largest the world has ever seen. The British Empire was made up of an incredible variety of territories and peoples, with many different relationships between the colonies and Britain. British citizenship was not explicitly defined until 1948, but between the wars all residents of Great Britain and its empire were understood to be “subjects” of the British sovereign.<sup>3</sup>

This project began as a search for how the British saw themselves in relation to their empire in the inter-war years. If the empire were a significant part of people’s lives and their understanding of themselves as British, then one would expect that to be reflected in the literature of the inter-war years.<sup>4</sup> I used detective novels as a way to look at how the British saw their empire in the years between the wars, and how owning this empire affected their view of themselves as British. What I discovered in the detective novels, however, was that the empire was only one “other” against whom the British defined themselves. Instead, British identity could be seen more broadly along four “frontiers of identity” identified by sociologist Robin Cohen. Two of the frontiers are within the empire: one with the non-white colonies and one with the white dominions of the empire. The other two frontiers are with Europe and with the United States.<sup>5</sup> The discussion that follows will look first at the two frontiers of identity within the empire, then the frontiers with Europe and with the United States. However, before turning to look at these frontiers of identity, we will look at how detective novels reflect British society between the wars.

### **Detective Novels as a Reflection of British Society Between the Wars**

The years between the two world wars are frequently called the “Golden Age” of the detective novel. As Robert Graves and Alan Hodge note in *The Long Weekend*, “low-brow reading was now dominated by the detective novel.”<sup>6</sup> By 1939, one-quarter of all fiction published in Great Britain was detective fiction.<sup>7</sup> When Penguin revolutionized publishing by launching paperback books in the late 1930s, Dorothy L. Sayers’s detective novel *The Unpleasantness at the Bellona Club* was the fifth Penguin issued.<sup>8</sup>

Agatha Christie, Dorothy L. Sayers, Ngaio Marsh, and Margery Allingham helped set the standard for detective novels in the Golden Age, and are frequently called the “Queens of Crime.” All began publishing in the 1920s or 1930s, all were (and continue to be) popular, and each published prolifically. This study will discuss a sampling of the detective novels of the Queens of Crime across the inter-war years, examining evidence of how the British defined their identity in relation to others.

As historian A. J. P. Taylor noted, “[detective novels] often provide the historian clearer and more accurate social detail than can be found in more literary works,” and as such are good sources for social historians.<sup>9</sup> Sayers would frequently add contemporary references to her manuscripts at the last minute to bring her novels up



to date.<sup>10</sup> The detective novels are full of the fads of their time. Christie's characters consume a great many cocktails, and the men sport "toothbrush" moustaches while the women have shingled bobs. Even in the small village of Christie's *The Murder of Roger Ackroyd*, the characters play mah jong, and a neighbor notes enviously that Poirot has a vacuum cleaner.<sup>11</sup>

Detective novels are less satisfactory as sources for political history. In the novels there are occasional brief references to domestic issues in Britain such as unemployment and the flapper vote. However, one of the most significant domestic events of the inter-war years, the General Strike of 1926, is not mentioned in any of the books. The lack of attention to domestic events in general extends to events associated with the empire. In contrast, several of the novels have plot elements involving events in Europe. For example, concern over Bolshevism is significant in several of the novels, and some novels from the last half of the 1930s contain references to fascism in Germany and Italy.

The event that *is* present in the novels is the continuing impact of World War I. It is mentioned in virtually every novel, and is significant to the plots of many. The war has conspicuously altered the lives of many of the characters, from suffering shell shock or other injuries to experiencing financial reversals as a result of the war. The murder weapon in two of the novels is a revolver left over from war service.<sup>12</sup> The goal of the gang of bank robbers in Allingham's *The Black Dudley Murder* is the Repository of Bullion for the Repayment of the American Debt.<sup>13</sup> The extensive references to World War I in the novels clearly show the deep impact the war continued to have on British society in the 1920s and 1930s.

Detective novels have frequently been linked to a conservative worldview. As Susan Rowland describes it, the action of a detective novel is centered on naming and capturing a criminal, and thus restoring social and moral order.<sup>14</sup> Many critics have seen the popularity of detective novels between the wars as part of a desire to return to traditional, rural Britishness in response to the dislocations of the war.<sup>15</sup>

The detective novels both reflect and comment on the class structure in Britain between the wars. The four Queens of Crime all came from upper-middle-class backgrounds, and upper-middle-class and upper-class characters dominate their novels. The criminals are also from the upper classes (with exceptions in Sayers's last two novels, *Gaudy Night* and *Busman's Honeymoon*, and the gang members in Allingham's *The Black Dudley Murder* and *Mystery Mile*). However, many of the upper-class characters assume that crime belongs to the lower classes. Miss Carroll of Christie's *Lord Edgware Dies* huffs, "I've never heard of such a thing happening—I mean to anyone in our class of life," leading Hastings to observe that it was clearly her idea that murders were only committed by "drunken members of the lower classes."<sup>16</sup> It is very disconcerting to many of the upper-class characters in the novels to discover that crime, instead of being located with some "other," is located in their class.

Apart from Christie's eccentric Belgian detective Hercule Poirot, the detectives are all aristocrats: Sayers's Lord Peter Wimsey, Allingham's Albert Campion and Marsh's Roderick Alleyn. Wimsey and Campion even conform to a certain physical

type – they are blond, with somewhat comic features, high voices, and the ability to assume a silly-ass persona to disguise their native intelligence. Alison Light suggests that the old style of heroic masculinity had been discredited by World War I and was inappropriate in a detective in the years immediately after the war, which is why the somewhat effeminate Poirot, Wimsey and Campion were successful.<sup>17</sup> Wimsey becomes less effete as Sayers's novels progress into the 1930s, and Alleyn, who does not appear until 1934, never has to play the part of the aristocratic fool.

The aristocratic detectives are all representatives of that “distinctively English phenomenon,” the gentleman.<sup>18</sup> According to historian Marcus Collins,

*foreigners acknowledged the singularity of the English gentleman, Dutch and German writers confessing themselves incredulous at this ‘medieval’ survival, Americans being by turns enchanted and infuriated and the French finding the word untranslatable, but the concept indispensable, when describing the ‘race of gentlemen.’ ‘The English gentleman is the embodiment of all the essentially English virtues,’ remarked novelist Paul Morand: ‘nothing is as thoroughly English as the English gentleman.’<sup>19</sup>*

Thus, although the aristocratic detectives represent a numerically small part of the British population, they are a key component of British identity.

The novels contain both a questioning of aristocratic privilege and an affirmation of the continuing value of the gentleman. In some situations aristocrats are seen as “costly, decorative, and no longer useful,” such as blustering Sir Herbert Carrados of Marsh's *Death in a White Tie*, who spent World War I in a staff job.<sup>20</sup> However, Uncle Paul Delagardie comments in Sayers's *Unnatural Death* on the “underlying sense of social responsibility which prevents the British landed gentry from being a total loss, spiritually speaking.”<sup>21</sup> Wimsey and Campion exhibit their sense of social responsibility when they apply their skills and background to amateur detection, sometimes at considerable cost to themselves. Alleyn, who works *within* the police, and Wimsey and Campion, who usually work *with* the police, are a sort of “other” to the plodding, unimaginative, middle-class police officers. As aristocrats, they bring skills to their detection that the police do not possess, such as the ability to get cooperation from witnesses who respond with deference to their social position.

Working-class characters in the novels are usually servants. They also provide eccentric color, such as the village characters in Sayers's *Have His Carcase* and *Unnatural Death* and Allingham's *Mystery Mile*. The mass of workers laboring in factories is completely absent from the novels. One could write a dissertation on the influence of class in the novels, but for the purposes of this discussion, the important point is that the characters in the novels are not representative of a broad cross-section of British society. The upper classes are over-represented, particularly in the viewpoints of the aristocratic detectives, while the working classes and lower middle class are under-represented. Therefore, in considering how British identity appears in the novels, we are getting a skewed representation of British society from the four upper-middle-class authors, and many points of view are left out.

## National Identity and the Empire Between the Wars

The first two frontiers of identity that this study will discuss are within the British Empire, so we will now look briefly at the status of the empire in the years between the wars. The British Empire reached its greatest territorial extent after World War I. After a surge of acquisitions that resulted from Germany's defeat, the inter-war period saw steadily accelerating movements towards separation and independence. Within a few years after the end of the war, the Irish Free State had become independent; many viewed this as setting an alarming precedent for the disintegration of the empire.<sup>22</sup> The white settler colonies, such as Canada, South Africa, Australia and New Zealand, were granted dominion status in 1926, and then were granted control over their own parliaments in 1931.<sup>23</sup> Many in the non-white colonies expected greater recognition and concessions towards self-government from Britain because of their support in World War I.

India was still regarded as the most valuable colony, the "jewel in the crown." The post-war period in India started off with the bloody Amritsar massacre in 1919, when troops led by Brigadier-General Dyer fired into a crowd of Indian demonstrators, killing 379. This was one of the few Imperial events to make a big splash in the press during the inter-war years.<sup>24</sup> Instead, the inter-war years were marked by police actions to maintain control of areas such as India, Egypt and Iraq.<sup>25</sup> The colorful little wars of conquest of the late Victorian period that had been extensively publicized by the popular press were a thing of the past; government wrangling over national status did not have the same public appeal. Also, in the aftermath of World War I the jingoistic patriotism of the pre-war years seemed wrong.<sup>26</sup> Finally, imperial issues were pushed to the background of press attention by economic issues and European affairs.

Even as the empire was less important as a news item, images of the empire were kept before the eyes of the British public through a variety of means, such as geography lessons in schools, popular movies (e.g., *The Four Feathers*, *The Charge of the Light Brigade* and *Gunga Din*), expanded travel opportunities, and efforts to promote trade, such as the government's Empire Marketing Board.<sup>27</sup> Historians have recently made the case that the empire was a significant presence in the lives of all classes of British people. Much of the research has focused on the late Victorian and Edwardian periods, but many of the phenomena that historians have studied, such as the Scouting movement, continued to exist and be influential in the inter-war period. One argument that historians have made is that awareness of the empire went considerably beyond following events in the news. As Benita Parry has put it, "the fact of the empire... entered the social fabric, the intellectual discourse and the life of the imagination."<sup>28</sup> Recent books such as *Imperialism and Popular Culture* and *Propaganda and Empire* examine how the empire was put in the minds of British people through cultural mechanisms as diverse as music hall entertainment, advertising, the BBC, movies, school text books, books and magazines for children, and popular literature.<sup>29</sup> The evidence of historians suggests that the empire was part of the everyday experience of British life. Also, historians who investigate issues of national identity believe that the empire was an important factor in defining British identity from the late nine-

teenth century through World War II. P. J. Marshall writes, “it seems beyond dispute that empire acquired an enhanced position in any collective sense of British identity [from the late 1800s] and probably maintained that position into the 1950s.”<sup>30</sup>

The images of the empire that were promulgated in the inter-war years focused on commercial relationships, on cooperation, and on the empire as one big, happy family. For example, the aim of the British Empire Exhibition in Wembley in 1924-5 was to celebrate the achievements of the empire; twenty-seven million people visited.<sup>31</sup> King George V and the Prince of Wales (later briefly King Edward VIII) were strongly associated with the empire. The Christmas radio messages from the king, which were first broadcast by George V in 1933, became a national tradition, and were expanded to include several hours of programming from around the empire.<sup>32</sup> The Prince of Wales traveled extensively in the empire and British moviegoers saw newsreels of cheering crowds wearing a variety of native dress welcoming the prince. The newsreels conveyed the image that subjects of the empire were glad to be part of the British Empire.<sup>33</sup>

There were many who felt that the empire was moving forward to a time when the colonies would become independent nations. One sign of the perceived tenuous state of the empire was that fewer upper-class men were willing to make a career of it; the number of British applicants for the Indian Civil Service decreased dramatically after World War I.<sup>34</sup> Still, the empire was something for the British to be proud of. Its existence was a comforting image at the back of people’s minds.

Given historians’ assertions that the empire was a significant presence in the lives of British people between the wars, how does the empire appear in the detective novels of the time? In twenty-two novels set in England, the empire appears most often in brief passing references as part of the background color of the novel. The empire is rarely mentioned explicitly – in most cases the reference has to be inferred using inside knowledge. In only three of the novels is the empire part of a significant plot development. In four of the novels the empire is entirely absent.<sup>35</sup> If one excludes the four novels that have no references to the empire and the three novels that have significant references, on the average, the remaining novels contain three to four brief references to the empire. For example, Sayers’s *Clouds of Witness* contains the following four references to the empire:

- When the Coroner asks, “What kind of a man was Captain Cathcart?,” the Duke of Denver responds: “Well, he was a Sahib and all that.”
- The Duke of Denver receives a letter describing Cathcart’s cheating at cards from friend in Egypt, who is working there as an engineer.
- There is curry for breakfast at Duke’s Denver.
- Wimsey describes a brooch by noting, “They’re pukka stones.”<sup>37</sup>

In most cases a reader could completely overlook or ignore the references to the empire, and it would not affect his or her ability to understand the story or solve the mystery.

One common reference to the empire that appears in the detective novels is the use of words borrowed from India, such as sahib, wallah, and pukka.<sup>36</sup> In Sayers's *Murder Must Advertise*, an Oxford-educated copywriter describes a middle-class copywriter as "not exactly pukka," and Wimsey's police confederate Parker refers to calling out the "finger-print wallah."<sup>38</sup>

Another way that the empire does appear in the novels set in Britain is in the form of the material culture of British life. Roger Ackroyd has a cabinet with African implements and curios, Peter Wimsey eats curry for breakfast, and the Pagets of Allingham's *Mystery Mile* have an Indian carpet that had been the pride of their great-great-grandmother.<sup>39</sup> The empire is also part of a shared national history. In remembering a date in the past, a character in Sayers's *Have His Carcase* recalls it as "Mafeking year, that wur," referring to a victory in the Boer War in 1900.<sup>40</sup>

The empire is present in the experiences of people who have been there. The most common reason for having gone out to the empire is military service. The village where Christie's *The Murder of Roger Ackroyd* takes place is "rich with retired military officers," and Dr. Sheppard's bridge partner recalls exploits on the Afghan frontier.<sup>41</sup> The empire can also be a refuge for rascals, some of whom have left England for a wider field of mischief or to escape consequences, and some of whom have been sent out by relatives. For example, the ancestor of the malignant Cousin George of Allingham's *Police at the Funeral* had been "shipped off to the colonies," where he formed an illegitimate liaison with a black woman.<sup>42</sup> While the empire acts as a sort of safety valve for removing undesirable people from Britain, in many of the novels there are products such as Cousin George that come back to haunt respectable families.

What can one learn about British identity vis-à-vis the empire from the brief references that the authors have scattered throughout the novels? First of all, the novels show that the authors assumed that their readers were familiar with the empire. The authors could make only the sketchiest of references to the empire and expect their readers to understand them. Another observation is that even though the four women authors had considerably different personal experiences of the empire, the number of references one finds in their works is much the same.<sup>43</sup> This suggests that there was a certain "base level" of knowledge of the empire that any upper-middle-class British woman would have.

The novels also suggest that the empire was not at the forefront of people's minds. While it is part of their experience, it is in the background of their lives, and not something of any immediate concern. What is most striking about the comments on the empire is their neutrality. For the most part, the authors present the empire as an existing state of affairs, taken for granted. There is no sense of novelty, no sense of urgency, no controversy in the way people regard the empire. The empire is neither good nor bad, it just is. Perhaps the strongest emotion expressed toward empire is a sense of responsibility, as when Marcus Featherstone of Allingham's *Police at the Funeral* describes how a friend "has at last gone to uphold the British Raj in India."<sup>44</sup>

The only reference in the novels to suggest that the empire might be threatened comes in Sayers's *Gaudy Night* (1936), when Wimsey describes his work for the Foreign Office by saying, "Don't get it into your head that I'm the man who saved the Empire."<sup>45</sup> (This is also one of the few explicit references to "the Empire" in the novels.) However, Wimsey says this in the context of his work on behalf of European peace – the fate of Britain and its empire in the late 1930s is more tied to what is happening in Europe than to what is happening in the empire.

The evidence of the detective novels seems to confirm recent historical research that shows that the empire was part of British life. However, while these detective novels show that people were *aware* of the empire, because of the nature, brevity and infrequency of the references to the empire in these novels set in England, it is difficult to draw conclusions about how the empire shaped people's views of their identity as British. When we move to investigate the novels that are set in the empire, however, we find more explicit reactions to the empire and to Britons' place in it.

### **Frontier of Identity: the Non-White Colonists**

One of the frontiers of identity identified by Cohen is that between Britons and the non-white colonists of the empire. Each of the four authors presents an extended confrontation between Britons and non-white colonists, which gives us a portrait of how the British saw themselves in relation to these other subjects of the British Empire.

In the novels, there are a few natives from the empire living temporarily in England.<sup>46</sup> The racist attitudes of the British show up clearly in the portrayals of people of color. For example, an Indian student, Mr. Cheeto, plays a prominent role in Allingham's *Police at the Funeral*, since he was the one to discover the body. Allingham paints an unflattering picture of Mr. Cheeto. When Campion meets him, he sees him as "not an attractive person...having embraced European culture with a somewhat indiscriminate zeal."<sup>47</sup> Mr. Cheeto, however, prides himself on being scientific, and explains that while his fellow Indian student was unwilling to touch the body, "I am occidental, I am broadminded," and he pulled the body from the water.<sup>48</sup> Even though Campion acknowledges that Mr. Cheeto is an observant witness, the British police have dismissed his evidence. Allingham's portrayal of Mr. Cheeto implies that though he may wish to appear Western, he can only put a Western veneer on his essentially Eastern character, which is boastful, immature and unreliable.

In Sayers's *Unnatural Death*, which involves a question of inheritance, the wealthy woman who has died is discovered to have a black relative who is the product of an illegitimate liaison in the West Indies two generations ago. When Wimsey's associate, the ultra-respectable and very religious spinster Miss Climpson, recounts the conversation in which she made the discovery to Wimsey, she is all a-flutter:

*[The former housekeeper described] that most EXTRAORDINARY person who announced himself as Miss Dawson's cousin...a nasty, DIRTY NIGGER (!!!)...Miss Dawson, she said, actually came down to see this 'creature'*



*instead of sending him about his 'black business' (!)...[Miss Timmins] refused to cook the lunch for the poor black man—after all, even blacks are God's creatures and we might all be black OURSELVES if He had not in His infinite kindness fit to favour us with white skins (!). [all forms of emphasis in original]<sup>49</sup>*

It is unclear whether Miss Climpson's three exclamation points reflect her surprise at Miss Dawson's having a cousin who is a person of color, or her surprise that the housekeeper would use a word such as "nigger." One suspects the former. The housekeeper's describing the black cousin as a "creature" is consistent with the prevalent British view that people of color were inferior, scarcely human. Miss Climpson's attitude is scarcely any better. While she probably would not have turned the man away, one gets the impression that she would have treated him with unbearable condescension. Her reaction shows that she shares the belief that blacks are inferior, with the added implication that this inferiority is part of God's design.

Later in *Unnatural Death*, the murderer tries to pin a murder and kidnapping on the black relative, who is an elderly, well-spoken clergyman. The local officials are shocked by the idea: "'God bless my soul,' said Sir Charles, horrified, 'an English girl in the hands of a black man. How abominable!'" The newspapers pick up the refrain: "The idea of two English girls – the one brutally killed, the other carried off for some end unthinkably sinister, by a black man – aroused all the passion of horror and indignation of which the English temperament is capable."<sup>50</sup> The idea that the criminal is black adds a particular touch of horror to the crimes in the minds of the British observers, and reinforces the common perception that blacks are sexual predators.

Two of the novels are set in the non-white colonies: Agatha Christie's *The Man in the Brown Suit* (1924), set in South Africa and Rhodesia, and *Murder in Mesopotamia* (1936), set at an archeological dig in Iraq. *The Man in the Brown Suit* reflects the anomalous position of South Africa and Rhodesia in the empire. Even though they were dominions and had white settler populations, unlike the other dominions (Canada, Australia, New Zealand) they had majority non-white populations. Christie uses two narrators in the novel, each of whom responds to different groups of people. One narrator, Sir Eustace Pedler, MP (Member of Parliament), interacts primarily with white people: politicians and businessmen. To him, the non-white population represents a labor problem. In contrast, Anne Beddingfeld, the young British woman who is the primary narrator, has traveled to Africa in search of adventure, and she sees the non-white people as local color.

Beddingfeld is prepared to see Africa as romantic. Before going to Africa, she has dreamt of "stern, silent Rhodesians," and of strong men who always "felled their opponents with a single blow."<sup>51</sup> She wants to have adventures like the heroine in the movie serial "The Perils of Pamela" (a reference to the American movie serial "The Perils of Pauline"). "As the ship steams into Cape Town, she thinks, "I had found,...the thing that I had been looking for...something new, something hitherto undreamed of, something that satisfied my aching hunger for romance."<sup>52</sup>



Christie represents native people in the novel as an undifferentiated mass, as when Beddingfeld describes “hordes of natives” who “materialized out of the empty landscape” to sell “adorable” carved animals.<sup>53</sup> In fact, Christie describes the native people in *The Man in the Brown Suit* as generally adorable, such as the “smiling Kafir boy” who delivers a message, or the “smiling blacks” who push a trolley, or the “fine native stalking along,” followed by a woman “who seemed to have the entire household belongings piled upon her head!”<sup>54</sup> The native peoples are part of the background color in the novel; all of the significant action takes place among British and/or European characters.

Beddingfeld’s attitude towards Africa reflects a sense of entitlement, a sense that the empire is a playground or proving ground for British people. Her attitude continues a view of the empire that was common before the war, that the empire was a site of manly adventure. Many forms of popular literature from before the war, such as the adventure novels of G. A. Henty and the stories and poems of Kipling, popularized this image, as did the descriptions of imperial conquest in the popular press. Perhaps one sign of the changing times is that Beddingfeld, a woman, is allowed to participate in some of the adventures, although the greatest feats of bravery are reserved for her boyfriend.

In contrast to the romantic spirit of *The Man in the Brown Suit*, in Christie’s *Murder in Mesopotamia* (1936), Amy Leatheran, the British hospital nurse who narrates, does *not* find Iraq romantic. She clearly expected to; she frequently contrasts the reality of her experience with the image she had had. For example, in a letter to a friend she reports that “the *dirt* and the *mess* in Baghdad you wouldn’t believe – and not romantic at all like you’d think from the Arabian Nights!” When she comes to the Iraqi town nearest the archeological dig, she observes:

*Very pretty it looked, too, before we got there from the other side of the river—standing up quite white and fairy-like with minarets. It was a bit different, though, when one had crossed the bridge and come right into it. Such a smell, and everything ramshackle and tumble-down, and mud and mess everywhere.*<sup>55</sup>

Leatheran’s views are consistent with critic Edward Said’s observation that Westerners would rather think of the Orient in abstractions from “classical” texts such as the Arabian Nights, rather than studying and reacting to the real people and real places.<sup>56</sup>

Christie shows that Leatheran does not think much of the native people, and neither do any of the Western characters. Said has described how Westerners portray an “absolute and systematic difference between the West, which is rational, developed, human, superior, and the Orient, which is aberrant, undeveloped, inferior,” and this is very much evident in the way Christie’s Western characters discuss the Iraqis.<sup>57</sup> The first time Leatheran goes to see the dig, she describes the Iraqi workers as “scarecrows – all covered in long petticoats and rags.”<sup>58</sup> It is revealing that Leatheran compares the male workers’ clothing to women’s clothing, which diminishes their masculinity and their status. On another visit to the dig, she is irritated because the native “basket

boys,” who remove debris from the dig, “seemed to be blind as bats and never to think of getting out of the way.”<sup>59</sup> In spite of the fact that she is an observer at the dig, not a worker, she implies that her needs ought to come before those of the Iraqis. The American expedition leader describes the “simplicity and...sense of humor” of the Arabs, but later asserts that “truth as truth means nothing to them.”<sup>60</sup> The culture of the Iraqis is called into question, too. When Leatheran is shown some “queer little terra-cotta figurines” that have been found on the dig, she finds that “most of them were just rude” and that the Iraqis had “nasty minds.”<sup>61</sup> Even in a conservative literary form such as the detective novel, Westerners comment on the sexual threat posed by the Orient.

What comes through in this novel is an attitude that Easterners require Westerners to bring order to their lives (in the form of the British-led police units) and even to make sense of their past (in the form of the Western archeological team). Historian Sonya O. Rose has commented that the British needed the empire for their self-image as a “virtuous imperial power,” which one can see in *Murder in Mesopotamia*.<sup>62</sup> Perhaps it is not coincidence that *The Man in the Brown Suit*, written shortly after the end of World War I, is able to refer back to an earlier dashing image of the empire, while the primary image of the empire from *Murder in Mesopotamia*, published in 1936, is one of mess and burden. Still, the British have shouldered the burden; there is a continued sense of the British being on a mission to civilize the world.

### **Frontier of Identity: the White Dominions**

A second frontier of identity identified by Robin Cohen is that between Britain and the white dominions of the empire. One finds extensive references to the white dominions only in the novels of Ngaio Marsh, who was born and raised in New Zealand. Marsh’s *Vintage Murder* concerns a British acting company that is touring New Zealand, and provides a fascinating view of the relations between the British and white New Zealanders, the British and native New Zealanders (the Maoris), and white New Zealanders and Maoris.

The relationship between the British characters and the white New Zealanders is friendly, but with a certain amount of condescension on the part of some of the British characters, and defensiveness on the part of the New Zealanders. Marsh’s detective Roderick Alleyn, an Oxford-educated aristocrat who is in New Zealand for a rest, finds that he has to “keep up a sort of strenuous heartiness, which I find a little fatiguing,” or the New Zealanders will think “I’m all English and superior.”<sup>63</sup> An educated Englishman such as Alleyn would have been aware that the British were frequently viewed as aloof and condescending.<sup>64</sup> Alleyn can see some reason for the New Zealand defensiveness, as he comments that there is certain type of Englishman who “still regards the Dominions either as a waste-paper basket or a purge.”<sup>65</sup> We see this in *Vintage Murder* in the form of a profligate young Englishman who has been sent away to New Zealand under the watchful protection of a cousin. New Zealanders also resent British ignorance of their country, as when the British conflate New Zealand

and Australia.<sup>66</sup> However, the ties between Britain and New Zealand are strong, and there is a sense that the New Zealanders still look to Britain for affirmation, as can be seen when a New Zealand reporter calls England the “Old Country.”<sup>67</sup>

*Vintage Murder* also includes a prominent Maori character, which extends our view of how Britons related to the non-white inhabitants of their empire. In this case the non-white character is a physician, Dr. Rangi Te Pokiha. Through most of the novel, Marsh presents Te Pokiha as an intelligent, dignified, and likable character. When some of the British actors make fun of a Maori figure that has been presented as a gift, Te Pokiha simply notes that “it seems amusing to them, naturally. . . . So may my great grandparents have laughed over the first crucifix they saw.”<sup>68</sup> He is also realistic about the barriers that exist for him. He tells Alleyn that he had considered a career in gynecology, but decided against it because “I think it is the one branch of my profession in which my race would tell against me.”<sup>69</sup> Te Pokiha recognizes the white prejudice that men of color cannot be trusted around white women. It is the British characters who are overtly rude to Te Pokiha, not the New Zealand characters. Ackroyd, a comedic actor with a funny face and a nasty temperament, refers to Te Pokiha as the “black quack”; Mason, the company manager, calls Te Pokiha a “nigger.”<sup>70</sup> However, at the end of the novel Marsh shows Te Pokiha losing his temper completely and having to be restrained by three men to keep him from attacking Mason when Mason calls him a liar. On the one hand, Marsh shows that questions of honor are as important to a native Maori as they are to a white man. On the other hand, Marsh shows Te Pokiha completely losing control when his honor is questioned; the violence of his reaction is not what one would expect from an Englishman. Even though Te Pokiha apologizes profusely, his air of civilization has been revealed as a veneer.

Marsh makes the British belief in white racial superiority glaringly obvious in *Vintage Murder*, and she contrasts British attitudes with those of white New Zealanders. When the New Zealand police superintendent describes Te Pokiha in complimentary terms to English detective Roderick Alleyn, Alleyn responds, “There is no color prejudice in this country, apparently.” The superintendent replies, “Well, not in the way there is in India, for instance,” contrasting the Anglo-Indian rulers of India with the white colonists’ control of Maoris in New Zealand. As another example of British belief in racial superiority, there are three different occasions when British members of the acting company call someone a “white man” as a term of approbation:

*[Gascoigne describing Meyer, the murdered man, and Mason, his partner]*  
*He was honest, and by God, you can't say that for many of 'em. He and George were the whitest men in management.*

*[Ackroyd with information]* *I was going to keep it under my hat, but Alf Meyer was a white man, and if he's been murdered—*

*Mr. Liversidge added that Courtney Broadhead was a white man, a phrase that Alleyn had never cared for and of which he was heartily tired.*<sup>71</sup>

In each case the speaker is a British man, and in each case the speaker is an actor of indeterminate class who Marsh has presented as a not particularly nice character. The term “white man” did not appear in any of the other novels. Perhaps the reaction that Marsh assigns to Alleyn in the final quotation above reflects her own reaction to the term.<sup>72</sup> However, looking at the evidence in the novel, there are contradictions in Marsh’s attitude to racism, or perhaps limits to her toleration for people of color. Marsh rejects the more overt forms of racism displayed against Te Pokiha, but she displays racist attitudes herself by portraying him as being out of control. While Marsh displays more tolerant attitudes towards people of color than the other authors, she still does not seem to accept the Maoris as completely equal.

### **Frontier of Identity: Europeans**

As we have seen, the detective novels, particularly the majority that are set in England, provide only limited views of the frontiers of identity between Britons and the white and non-white peoples of their empire. However, the detective novels, both those set in England and those set in the British Empire, contain many characters from other parts of Europe, which form a third frontier of identity as identified by Cohen.

The British have long felt themselves to be separate, distinct from the rest of Europe. When the British characters speak of foreigners, they generally mean Europeans. Antipathy towards foreigners runs across all classes. Mrs. Meade of Allingham’s *The Black Dudley Mystery* says that her son “don’t hold with foreigners nohow.”<sup>73</sup> In Christie’s *The Man in the Brown Suit*, the vicar’s wife and her middle-class friends have no interest in travel because “everything was so different to England.”<sup>74</sup> In Christie’s *The Murder of Roger Ackroyd*, Mrs. Ackroyd is suspicious of Poirot’s abilities because it is “so difficult for a foreigner to see our point of view,” and Caroline Sheppard dismisses a story by saying “That’s in France,” implying that it can therefore have no relevance to England.<sup>75</sup>

The most commonly used epithet of foreignness in the detective novels is “dago.” “Dago” is used indiscriminately of characters of all sorts of nationalities, from Paul Alexis (Russian), Mr. Antoine (French) and Da Soto (Portugese) in Sayers’s *Have His Carcase*, to Dimitri (Italian/Greek) in Marsh’s *Death in a White Tie*.<sup>76</sup> Just as the British apply the words “black” or “nigger” to all people of color, they use the word “dago” for any non-Teutonic Europeans. The British characters do not bother to specify nationality because it ultimately does not matter – foreign is foreign and therefore suspicious.

The novels reflect certain British caricatures of other European peoples, with the implication that British identity does not include these offensive or ridiculous characteristics. Germans in the novels are portrayed in a negative light, which is not surprising in the aftermath of World War I. The two main villains of Allingham’s *The Black Dudley Mystery* are brutal German Huns. A German inventor is featured in Christie’s *The Seven Dials Mystery*, and while he is not a villain, he has boorish

manners. However, while Germans appear as characters in these two novels published in 1929, they do not appear as characters in the novels of the 1930s, though the later novels contain references to the political situation in Germany. As early as 1935, in Marsh's *Enter a Murderer*, playgoers wonder whether a character in the play they are watching is an "agent of the Nazis, an enemy of the people, or the heroic servant of the British Secret Service." Later in the novel Alleyn apologizes for having to be "a bit Hitlerish" in telling people what to do. In Sayers's *Gaudy Night* (1936), when two working-class characters are discussing the current state of the world, one says "Wot this country wants is a 'Itler." In contrast to this working-class point of view, the women academics in *Gaudy Night* are concerned about the effects of fascism in Germany, and one has written a book "attacking the Nazi doctrine that woman's place... should be confined to... *Kinder, Kirche, Küche*." However, the focus of international tension as presented in *Gaudy Night* is fascist Italy, not Germany.

While there is some mention of events in Germany and Italy in the detective novels of the 1930s, there is far more attention to the group that seems to be the new villains of the world: Bolsheviks. Russians appear in the novels in two primary guises: as dispossessed aristocrats, and as Bolsheviks. Concern over Bolshevik influence on Britain is a major plot element in Marsh's *A Man Lay Dead* (1934) and in Sayers's *Have His Carcase*, which will be discussed in detail below. In addition, there are minor references to Bolsheviks in several other novels. Given historical hindsight, it is surprising that there was so much more attention given to Bolsheviks as a threat than to Nazis.

The reaction to the French in the novels is mixed, reflecting both long-standing enmity and the recent alliance in World War I. Uncle William of Allingham's *Police at the Funeral* is irritated by French inaccuracy: "I was stationed at Montreuil-sur-Mer – not that it's on the sea. Inaccurate people, these foreigners."<sup>77</sup> There is still a lot of antipathy to French Catholicism. In Sayers's *Unnatural Death*, a former servant describes how her mistress had been French, with two sisters "walled up alive in one of them dreadful Romish Convents."<sup>78</sup> Sayers can be more positive in describing the French. In *Whose Body?*, when Wimsey wants to express sympathy, he switches to French, "that language in which sympathy is not condemned to mutism," implying that it is not natural for the British to express their emotions.<sup>79</sup> French is also the language of love that Wimsey employs with Harriet Vane. In her novels, Sayers conveys an attitude that the French possess a certain *je ne sais quois* that the British lack.

The most famous foreigner in the detective novels is Agatha Christie's French-speaking Belgian detective, Hercule Poirot. Christie got the idea for Poirot from Belgian refugees living in Torquay during World War I.<sup>80</sup> It is precisely his non-British characteristics that make Poirot successful as a detective – his inquisitiveness, his fussiness. Alison Light points out that Poirot's status as a Belgian refugee is

*usefully ambivalent. On the one hand he can be the object of English charity and condescension – 'we' were the saviors of 'gallant little Belgium'; on the other, being Belgian is an oddly unspecific kind of foreignness, and as Colin Watson points out, the British, surprisingly, have no terms of abuse for Belgians.*<sup>81</sup>

Christie frequently uses Poirot to comment disparagingly on British characteristics. In one exchange between Poirot and his unimaginative British sidekick, Hastings, Hastings is scandalized because Poirot has read someone else's private letter. Hastings exclaims, "You can't do a thing like that. Overlook a private letter...It's not—not playing the game!" Poirot replies, amused,

*...anyway, Hastings, you should not use that phrase—playing the game...  
.Mais oui, young beautiful girls will laugh at you if you say 'playing the  
game' and 'not cricket.'*<sup>82</sup>

Poirot believes that the traditional scruples of the British gentleman, a character that we saw described above as uniquely British, are not useful in the modern world.

Dorothy L. Sayers's *Have His Carcase* (1932) provides an extended confrontation between British people and foreigners, and the views expressed by the characters are typical of the detective novels in this study. In *Have His Carcase*, the murder victim is a Russian émigré who works as a dancing partner at a big seaside hotel; another of the dancing partners is French. The most common reaction to foreigners is that they are unknowable. As Inspector Umpelty observes to Wimsey, "You never can tell with these foreigners, can you?" Mrs. Lefranc, the working-class landlady of the victim, remarks, "But he was a foreigner, when all's said and done, and they aren't like us, are they?"<sup>83</sup> The middle-class farmer Henry Weldon says, "You can't trust these foreigners. Like colliers – lick your boots one minute and bite you the next. Don't like colliers, myself. Give me a good bull terrier any day."<sup>84</sup> Sayers is clearly poking fun at some of these attitudes, yet she puts anti-foreign words in the mouths of two of her most admirable characters, Harriet Vane and Peter Wimsey. Harriet, thinking over the evidence from the band leader Da Soto, reflects that "one never knew, of course, with these slinky people of confused nationality."<sup>85</sup> There is an implication that true British people are not of a mixed nationality, a belief that is nevertheless belied again and again in the novels. (For example, Wimsey's mother is of French ancestry.) Wimsey observes to Harriet that the victim was surrounded by a group of "curiously unpleasant people—liars and half-wits and prostitutes and dagoes."<sup>86</sup> In spite of the generous and liberal attitudes Wimsey and Harriet most often convey, they, too, share the British suspicion of foreigners.

Sayers, the sophisticated Oxford graduate, also pokes fun at British hysteria over Bolsheviks. Mrs. Weldon, the silly, rich, middle-class widow who had been engaged to the victim, believes that Bolsheviks have murdered him. Her views of Bolsheviks are probably typical of people who got all their information from sensational newspapers:

*Those horrible men would do anything, and I was only reading in the paper yesterday that England was simply swarming with them....I call it absolutely wicked, the way we let them come over here and plot against everybody's safety and this Government simply encourages them....I shouldn't wonder if they started throwing bombs at the King and Queen next. It ought to be stopped, or we shall have a revolution.*<sup>87</sup>



This is just one of many instances in the novels where it is implied that the British are not violent people, and that any violence in British society must have originated with foreigners.

At the inquest, Mrs. Weldon brings up her theory that Paul Alexis has been murdered by Bolsheviks, provoking an amusing set of reactions from the judge and jury. The judge, summing up the evidence, notes that:

*the deceased was Russian by birth, and therefore excitable...He himself had read a great deal of Russian literature and could assure the jury that suicide was of frequent occurrence among the members of that unhappy nation. We who enjoyed the blessing of being British might find that difficult to understand, but the jury could take it from him that it was so.*<sup>88</sup>

Apparently the blessings of being British include not being controlled by one's emotions. However, not all characters see this as a blessing. We saw above that Wimsey notes that the British were condemned to mutism in the face of emotion, and Poirot also comments disparagingly on the British lack of emotion: "why must one in England think it necessary to mention love as though it were some disgraceful secret?"<sup>89</sup>

It is interesting that the British refer only to Europeans as foreigners, and that they do not include people from the empire, either white or non-white, in that designation. It is as though the British believe that European countries have cultures that are valid, if different, but that the colonies of the empire have no culture worth identifying as such. Britons would consider that the culture of the white colonies was derived from Britain and therefore not foreign, while the cultures of the non-white colonies were simply "rude," as Amy Leatheran described the terra-cotta figurines from Iraq in Christie's *Murder in Mesopotamia*.

### **Frontier of Identity: Americans**

The fourth frontier of identity that we can observe in the detective novels is between Britain and the United States. The relationship between the two countries in the later twentieth century is frequently described as the "special relationship" because of the particularly close ties and commonality of interests that are perceived to exist between the two countries. The "special relationship" is clear in the detective novels in the unique position Americans hold vis-à-vis the British and other peoples. Americans are portrayed as familiar participants in British society. In the 1890s it was common for British essayists to make comments such as "The United States is not and never can be in reality a foreign country, nor an American a foreigner. They and we are one flesh."<sup>90</sup> When British characters speak of foreigners, they are rarely speaking of Americans.<sup>91</sup>

The British have long been fascinated by American wildness, and tend to focus on that perceived aspect of the American character.<sup>92</sup> In the 1920s and 1930s, this translates to Americans in the novels being continually portrayed as gangsters, or as



being linked to gangsters. In Allingham's *The Black Dudley Murder*, the villains are part of an American gang of bank robbers. The same gang appears in Allingham's *Mystery Mile*; in this novel, Campion must protect an American judge who has been prosecuting the gang in the United States. In Marsh's *Death in a White Tie*, one of the upper-class characters comments on the murder of a fellow aristocrat by noting that "[London] is getting no better than Chicago."<sup>93</sup> In Christie's *Lord Edgware Dies*, the American actress Jane Wilkinson tells Poirot that she must get rid of her aristocratic British husband and explains that if they were in Chicago, she could get him "bumped off quite easily."<sup>94</sup> Once again violence is shown to be associated with people outside of Britain.

The authors describe Americans as being more boisterous, forthright and self-assured than the British. This is carried to obnoxious extremes in the character of Miss Van Maes in Marsh's *Artists in Crime*. Americans are also sharp about money, while the British are portrayed as naïve, particularly the aristocratic class. In Sayers's *Whose Body?*, Wimsey goes to see the American financier Milligan, a potential suspect, on the pretext of asking him to give a talk on money. Wimsey, who is operating in his silly-ass persona, describes the situation to Milligan in this way: "we've none of us any money – not what you'd call money, I mean...but we like awfully to hear about the people who can make money."<sup>95</sup> (The British character in *Whose Body?* who is most astute about money is the missing Jewish financier Sir Reuben Levy. Virtually every time his name is mentioned he is identified as Jewish, and even though he has been knighted, he is still described as an outsider. As a Jew, his identity as British is questionable.) Apparently bribes are more associated with Americans than with Britons; when the bandleader Da Soto in Sayers's *Have His Carcase* hopes for a reward from Wimsey, he thinks of the bribe in dollars, not pounds.<sup>96</sup>

The novels show that American fads, particularly cocktails and jazz bands, are becoming popular in England. Even at a debutante ball the music is provided by Hughie Bronx's Band.<sup>97</sup> Cultural dominance is shifting from Britain to the United States, though the novels do not indicate that Britons yet see this as a threat to their identity.

While there are no passages in the novels that specifically extol Americans, there is also only one passage about Americans that is specifically negative.<sup>98</sup> When we compare that to the continuous string of negative comments about European "foreigners," or the insufferably superior British attitude towards people of color, the contrast speaks volumes. Americans are the only group of "others" in the novels that are not subject to British condescension. At the same time, as of the 1920s and 1930s there had been a slow shift of power, political, economic and cultural, from Great Britain to the United States, starting in the late nineteenth century and accelerated by the First World War. While the novels do not generally condescend to the United States, neither do they seem to acknowledge the shift of power that is taking place.

## Conclusion

Detective novels provide a fascinating portrait of British society between the wars. In the novels we see the British interacting along four “frontiers of identity,” and in the process giving us a clue as to how they saw themselves in those years. We see that to be really British is to be white, and to be superior not only to all people of color, but to other white Europeans as well. Foreigners are unknowable, but British ignorance about others is acceptable because only the British point of view counts. Americans are the only “others” who seem to be regarded as equals.

We also see, in the persons of the aristocratic detectives, that the unique qualities of a British gentleman are still valued. The aristocratic detectives of the Queens of Crime are self-controlled, honorable, and, particularly in the years immediately following World War I, effete.

Along with the sense of superiority comes a sense of responsibility, that the British have a mission to bring order and civilization to the rest of the world. British people are not excitable or ruled by their emotions, which makes them more fit to be rulers of backward people of color than other white Europeans. The British are not a violent people, but are capable of exerting themselves to bring control to or over other people and groups of people.

In the end, British detective novels of the inter-war years show that the British people had a secure sense of themselves and their place in the world. We see them moving confidently in a world full of “others,” compared to whom they find themselves the natural leaders of the world.



**FROM COLONIAL DOMESTICITY  
TO SUFFRAGE PLATFORM:  
The Rhetorical Revolution  
of Republican Motherhood**

**by Cathy Walker**

The concept of Republican Motherhood dictated the action, beliefs, and words of countless women during the American Revolutionary era. The legacy of this ideology marched through the nineteenth century unscathed but often couched within the pronouncements of various reform movements. The volatile potential of this paradigm survived to explode within the context of late nineteenth-century woman suffrage campaigns. Both opponents and supporters of the vote for American women utilized the rhetoric of Republican Motherhood to argue their cases; its power as a bargaining tool appealed to opposite ends of the spectrum of suffrage arguments, and served to confuse the issue markedly for the public. Ultimately, the argument for Republican Motherhood would secure one side of the issue more firmly than the other, negatively impacting the ability of woman suffrage activists to rally an ideologically united constituency.

Above: Rally for women's suffrage at the Grecian Temple in Denver's Civic Center Park, ca. 1910.  
Credit: Tom Noel Collection.

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Republican Motherhood served as a potent rationale for opponents of woman suffrage. The philosophy's assertion that women achieved their utmost power and influence within the home provided convenient support for the argument that women neither needed nor deserved the vote. Anti-suffrage activists towards the fin de siècle capitalized on the statements of women who resided contentedly within their domestic sphere, happy to speak through the men in their lives.

Supporters of woman suffrage, on the other hand, asserted that the ideals of Republican Motherhood germinating in the minds of American women for generations could only improve the demeanor of electoral politics. Suffrage activists used the rhetoric of Republican Motherhood to demand a place for women in the public sphere as a natural right and a logical solution to many of society's ills. Ironically, the reasoning of suffragists markedly resembled that of their opponents; the only notable difference lay in each side's definition of the appropriate context for women's influence.

With this conflict in mind, an exploration of what Republican Motherhood entails and how it emerged proves necessary. Linda Kerber defines Republican Motherhood, as it emerges in eighteenth century America, as an integration of political and civic values and morals into domestic life for the purpose of rearing virtuous Republican children.<sup>1</sup> She argues that this role gave women considerable power within the home, and also allowed them to vicariously experience and affect the political world beyond the domestic sphere.<sup>2</sup> Women remained peripheral to men's world in this context, but as the "custodian of civic morality"<sup>3</sup> the mother dominated a crucial aspect of colonial society.

Kerber also notes that the idea of a "cult of domesticity," celebrating and encouraging women's existence solely within the domestic sphere, emerged simultaneously with the idea of Republican Motherhood. She suggests that the domestic disruption inherent in war caused many women to retreat into their homes, and to attempt to recreate their domestic space as a safe and productive familial haven.<sup>4</sup> The ideal of Republican Motherhood feeds directly into this ideology, revering the role of the mother as the savior of not only the family but, by extension, of the nation. Losses of family members during the war enhanced the notion that women held the key to safely indoctrinating the remaining sons with Republican values, as well as bearing new children to compensate for the nation's losses. According to Kerber, personal sacrifice of women within the home politicized their roles as mothers, even if this transformation was largely subconscious.<sup>5</sup>

Kerber also documents that this new sense of civic responsibility led some women to venture outside the home. American women circulated petitions, raised funds, and followed their husbands as nurses in the name of patriotism.<sup>6</sup> These excursions into the public world were generally overlooked by men, however, or seen as a nuisance. In short, "the model Republican woman was competent and confident...could resist the vagaries of fashion...was rational, benevolent, independent, self-reliant,"<sup>7</sup> and she exhibited all these fine behaviors within the home as an example of civic respectability for her children.

Ultimately, the American Revolution forced women to recreate the expectations of mothers within the domestic sphere. As Kerber notes, they resorted to inventing “an ideology of citizenship that merged the domestic domain of the pre-industrial women with the new public ideology of individual responsibility and civic virtue.”<sup>8</sup> The future of the Republic, within this original framework, rested with the Republican Mother. The call to meet this challenge both empowered and terrified women as they embarked on a tentative expedition into the public world. Republican Motherhood “redefined women’s political behavior as valuable, rather than abnormal, as a source of strength to the Republic rather than an embarrassment.”<sup>9</sup> By immersing their offspring in the convictions of Republican men, mothers secured the fate of the emerging nation. Women remained deferential to men in this relationship, but also acquired substantial political clout.

In examining the domestic roles of American women from 1780 to 1835, Nancy Cott further elucidates the significance of mothers instilling their children with Republican virtues. She notes that domestic work was “a leveling vocation for all women...and ultimately was intended to implant, in the family, social control of a kind that seemed necessary and appropriate in a democratic republic.”<sup>10</sup> The values taught within the home might have included industry, perseverance, the dichotomy of self-reliance and civic-mindedness, efficiency, trustworthiness, and general religious morality. Clearly, “the purpose of women’s vocation was to stabilize society by generating and regenerating moral power,”<sup>11</sup> a constant and demanding task. Nonetheless, within the rigor of this domestic challenge, women found themselves exalted to an enticing level of societal prestige. The “canon of domesticity,” Cott argues, judged the “home as a redemptive counterpart to the world,”<sup>12</sup> and deemed mothers its natural caretakers.

The importance of motherhood within the Republic stemmed originally, then, from the chaos and paranoia inherent in war. In fact, Carroll Smith Rosenberg argues that women who live on the edge of society rarely push their way beyond these limits. She suggests that this process occurs “only during those rare times when society itself pauses briefly, hesitatingly, between structures, and political and cultural hegemony is momentarily suspended...at such times, the powerless and marginal will speak.”<sup>13</sup> In the less turbulent decades of the early nineteenth century, however, the idea of Republican Motherhood did indeed survive. It seems that although the reinvention of society threatens no direct invasion by foreign marauders, it continues to imply a tremendous upheaval in the fabric of life. So, women continued to exploit momentary societal tremors as opportunities to exercise their voices; the language of Republican Motherhood, proven as an appropriate outlet for female ambition, projected itself clearly on such occasions. This rhetoric manifested itself throughout the nineteenth century, sometimes in organized forms such as temperance societies and abolitionism, sometimes in everyday speech or popular publications.

The expectations for respectable behavior for the Republican Mothers were rife in literature of the early and mid 1800s. Nancy Cott observes, “domestic literature connoted that the chief aim of women’s vocation was the rearing of moral, trustworthy,

statesmanlike citizens.”<sup>14</sup> Pamphlets, magazine and newspaper articles, and entire books proliferated in the American publishing industry to elucidate the finer points of Republican Motherhood, regardless of the practical experience or professional credentials of the authors. Diatribes on the issue spilled from sources ranging from privileged socialite women to evangelical ministers; individuals of markedly diverse backgrounds preached an uncannily consistent message. In an 1820 treatise entitled *Practical Hints to Young Females on the Duties of a Wife, Mother, and a Mistress of a Family*, Ann Taylor reminds young ladies that “the situation in which you are placed is of vast, of vital importance; support the dignity of it by your conduct.”<sup>15</sup> Motherhood was presented for mass reader consumption as a sacred endeavor, not to be taken lightly. The stress this must have placed on a young woman familiar only with the comfort of her parents’ home must have been enormous. John Angell James warned in 1829 that “well instructed, well ordered, and well governed families, are the springs, which, from their retirements send forth their tributary streams that make up by their confluence the majestic flow of national greatness and prosperity.”<sup>16</sup> The vivid, if melodramatic language James employs serves to reinforce the belief in Republican Motherhood as the natural and ordered state for the respectable woman.

This Republican enthusiasm persisted as, in 1843, Mrs. A.J. Graves appealed to the civic-mindedness of her audience. She implored women to:

*strive to exalt the nation by exhibiting under their own roof a model government; a government of order, where all the members occupy their appropriate stations, and fulfill the duties respectively belonging to them.*<sup>17</sup>

Graves’ less than subtle intimation was for women to take pride in their current role as the ultimate government representative within the home. The sense of a miniature dictatorship radiates from this description. Graves shared a common view that women should do their best work within the domestic sphere, and allow the results to seep out into the world naturally.

Similarly, in his publication *Hints on Domestic Happiness*, Reverend Henry Boardman took the liberty, in 1851, of speaking for all women. He suggested with no apparent authority, that “the loftiest earthly aspirations of her nature are satisfied in the consciousness that she is the loved and loving queen...the mother of a circle like this employs all her resources in forwarding the common end.”<sup>18</sup> The religious imagery of the mother enveloping her child in an aura of goodness and light from an exalted position predominates. Nancy Cott comments that in general “clergymen held mothers responsible for communicating religion as “the natural, divinely approved, most effective means of reproducing Christian character,”<sup>19</sup> thereby influencing the moral character of the nation. From the middle-class Christian male perspective, it was preposterous to consider that a woman might desire more than this supposed domestic reverence had to offer.

In reality, domesticity for most women was far from idyllic, regardless of social status. Nancy Cott points out that in the early nineteenth century, “portrayed as woman’s self-fulfillment, motherhood manifested itself in self-denial.”<sup>20</sup> This

experiment in domestic hypocrisy would evolve steadily over the next hundred years. Unless from an independently wealthy family, a wife and mother could look forward to the constant upkeep and management of her household, and to contributing to the family economy in some way; she could anticipate twenty odd years of pregnancy and childbirth complicated by attempts to raise her sons to meet the requirements of Republican citizenship, and to train her daughters to perpetuate her domestic role. Beyond all of these issues, the woman attempted to maintain a semblance of respectability, cleanliness, order, and modest wealth within the home, a balancing act of impressive proportions.

It appears that the role of Republican Mother climbed to the apex of the hierarchy of female responsibilities at mid-century. Without a stable, thriving family, and sons who could potentially lead the nation one day, what was the point of fussing about other more superficial issues? After all, it was “by the fireside and upon the family hearth that loyalty and patriotism, and every public virtue”<sup>21</sup> would grow, according to Reverend William Makepeace Thayer. Republican Motherhood boasted the endorsement of men and women alike for the success of the American nation. Overall, the voice of dissent remained muted at this point.

The enthusiasm for the language of Republican Motherhood continued during the Civil War, and even bolstered the nation’s spirit. In 1860, Samuel Phillips commented on the calming effects of maternal guidance, and the Christian necessity of family stability, especially in times of trouble. He noted that “the mother, in her office, holds the key...and it is she who stamps the coin of character, and makes the being who would be a savage but for her cares, a Christian man!”<sup>22</sup> The elusive daughter cunningly evades comment, but the Republican Mother, within this amalgamation of metaphors, continues to order the universe.

In 1864, Eli K. Price took his views on the matter to the American Philosophical Society. He suggested that mothers were “the ballast of the commonwealth, that preserve law and order, in the midst of excitement and disorder, and restore tranquility after a state has been convulsed by violence and rebellion.”<sup>23</sup> In the context of war, the duties of the Republican Mother expand from not only perpetuating the American nation and its goals, but also to healing its wounds and regenerating its casualties following a tragic loss.

As the agitation for woman suffrage increased towards the end of the century, so did the vehement protests against woman’s ventures beyond the home. In 1884, Minot Judson commented in his treatise, *Man, Woman, and Child*, “a woman’s intuitions are quicker than man’s in dealing with problems of society, of the family, of morals, and the practical, every-day questions perpetually arising.”<sup>24</sup> The sentiment that woman was rational enough to dictate the workings of the world at large from her domestic estate entirely contradicts the popular conception that women were too emotional to vote. The disparity in this belief system did not seem to faze proponents of Republican Motherhood in the least.

Beyond the innocuous discourse evident in popular literature, the language of Republican Motherhood also emerged early in the nineteenth century through



abolitionism, one of the first public ventures men deemed appropriate for female involvement. Women carried the tenor of their domestic voices into their calls for the emancipation of slaves; male abolitionists rationalized that the voice of motherly reason must represent the morality of the nation. Slavery, in the eyes of abolitionist women, was seen as both a religious sin and a secular abomination. One woman implored her peers: “let not the fear of man’s ridicule, or his pretend anxiety for the supposed welfare of our sex, deter you from using all proper influence which you possess against sin.”<sup>25</sup> At a basic level, it seems, abolitionist women claimed responsibility for the education and salvation of the public through their anti-slavery efforts. Frederick Douglass noted women’s “deep moral convictions that helped to give abolitionism its character”<sup>26</sup> and maintain the purity of its mission.

Women may initially have approached abolitionism as simply an effort to help the less fortunate, as they approached many philanthropic ventures, but their voices surely carried the message of Republican Motherhood. The burden of responsibility for the moral character of the nation reverberated in such statements as: “Let every member of this society act in all respects as she would be induced to do if...her child was in slavery...*then and only then* she would be doing what was required of her.”<sup>27</sup> Thus, the concept of Republican Motherhood translates from the private world of the family to the public world of downtrodden strangers. Female abolitionists carried the civic virtues of faith, perseverance, and self-sacrifice into this realm, thus perpetuating the legacy of Republican Motherhood.

Involvement with temperance societies provided a fascinating and turbulent outlet for the voice of Republican Motherhood throughout the nineteenth century. Women involved in temperance activism claimed from the outset that they had transcended the domestic sphere by their presence in this movement; the rhetoric they employed, however, was manipulated to appease those individuals who did not approve of this breach of tradition.

Carol Mattingly notes that temperance women “presented arguments in comfortable, familiar language that made both women and men amenable to new ideas and evidence.”<sup>28</sup> As women in temperance societies stormed the public sphere, they were highly conscious of the power of the language they used. These women turned the issue of temperance around to make it relevant to all the women of the nation, suggesting that drunkenness posed a threat to the family, and to the sanctity of their role as Republican Mothers. Take for example the words spoken in an early address to the Woman’s Temperance Convention:

*Look for a moment at the condition of the drunkard’s wife and children, and the nobler impulses of your nature will certainly prompt you to some effort to rescue and sustain female delicacy in the degraded home.*<sup>29</sup>

An appeal to women as mothers expressed the belief that in encouraging temperance women could spread the ideals of Republican Motherhood beyond the scope of their own homes. Temperance women undeniably used the power of this rhetoric to gain a foothold as viable entities in the public sphere, “carefully presenting their course

as an unselfish effort on behalf of suffering women and children...and scrupulously maintaining the cultural expectations that defined their sphere.”<sup>30</sup> It appears that temperance activists utilized the rhetoric of domesticity and motherhood long before, and more successfully than, their suffragist counterparts.

Temperance women became masters at this type of argument, routinely imploring women to rise to their duty as the mothers of the world:

*We should be unfaithful to the highest call of duty, false to the instincts of womanhood, and the pleading voices of love, if we should sit quietly down in careless ease while vice is thus spreading behind us.*<sup>31</sup>

The highest call of duty here implies traits inherent in Republican Motherhood: patience, love, education, consistency, and in this case salvation, in the name of defending the health of the nation. Mattingly notes that temperance women regularly “exploited ...society’s concerns about the burgeoning class of destitute and dissolute people, especially children,”<sup>32</sup> in order to rally women to the call of universal motherhood. Temperance women were active, vocal, and daring in their tactics, understanding implicitly the potential power stored in the domestic sphere.

Women also transferred their beliefs in the righteousness of the Republican Mother into early woman’s rights conventions, when the issue of woman suffrage was yet in an embryonic state. The Seneca Falls Convention of 1848, focused on equal rights for women, manipulated the voice of the Republican Mother to bolster support and to silence opposition. Rebecca M. Sandford, in attendance at the convention, spoke of the relevance of the franchise to women of the Republic:

*Give her the elective franchise, and there will be an unseen, yet a deep and universal movement of the people to elect into office only those who are pure in intention and honest in sentiment! Give her the privilege to co-operate in making the laws she submits to, and there will be harmony without severity, and justice without oppression.*<sup>33</sup>

Suffrage for women would, in her view, transform electoral politics from its state of corruption and disgrace to a system of compassion and morality. In allowing the Republican Mother to exert her influence upon the public world, the sanctity of her mission would simply expand. Sandford continued, however, by softening the impact of her words and reaffirming male control of the public sphere:

*If all this is accomplished, man need not fear pomposity, fickleness, or an unhealthy enthusiasm at his dear fireside; we can be as dutiful, submissive, endearing...even if we hang the wreath of domestic harmony upon the eagle’s talons.*<sup>34</sup>

The powerful imagery Sandford employed to sway and reassure her audience, male and female alike, insisted that the Republican Mother would continue to secure the home as her first priority, even as she instilled the virtues of liberty and democracy into the public sphere.

At the same convention, Elizabeth Cady Stanton responded to the objections of a male opponent to woman suffrage, cleverly manipulating the rhetoric of Republican Motherhood in an ambiguous manner. She replied to his assault on the demand for women's rights by pointing out that "the strongest will, or the superior intellect, now governs the household, as it will in the new order."<sup>35</sup> Stanton chose not to identify the sex of her subject, but shrewdly implied that the balance of power in the home would not be altered by woman suffrage; mothers would retain control of their households as they branched out into the political world.

It follows then, that this rhetoric of mother as the indisputable ruler of the private domain would prove a powerful tool in the fight for woman suffrage in the second half of the nineteenth century. The case of Colorado, the first state to agree by majority that women could vote, appears in many of the period discussions of the issue of woman suffrage as a positive example. A.G. Patterson, a male citizen of Colorado, remarked in 1899 "the vote of women is noticeably more conscientious than that of men, and will be an important factor in bringing about a better order."<sup>36</sup> By allowing women to vote in Colorado, the maternal voice of reason and propriety would seep into the public life of men, rejuvenating the spirit of civic virtue. Similarly, following the passage of woman suffrage in Colorado in 1893, Sarah S. Platt noted, "the presence of women at the polls...has made election day a time of absolute quiet and order."<sup>37</sup> Woman suffrage, according to Platt, could only enhance the state of politics by incorporating the values and influence of the domestic sphere into the public one, as "the best women of Colorado have far more conscience in exercising their responsibilities as voters than men of the same class."<sup>38</sup> Not only were women inherently moral, they were also apparently generally superior to men. The rhetoric of Republican Motherhood within the home had empowered some women to the point of boldness.

Professor Harry E. Kelley, a Denver lawyer, took the issue a step further. He claimed that national woman suffrage would actually improve the existing framework of Republican Motherhood within the home. He argued that women voters' "interests center around...subjects as more intimately affect home life, and conduce to the prosperity of the family,"<sup>39</sup> therefore advancing a mother's ability to positively impact the domestic sphere. Incidentally, in 1909 Mrs. B. Borrmann Wells published a lengthy statement outlining the legislation that had passed due to the voting power of women. The accomplishments included creation of truant schools, Colorado Humane Societies for children and animals, compulsory education for children from eight to sixteen years of age, and limits to the working day for women and children.<sup>40</sup> She noted that these resolutions, though passed in the public realm of politics, infused society as a whole with the ideals of Republican Motherhood. The clearly maternal nature of all of these issues speaks to the power of women voters to work middle-class family values into the word of the law.

It seems that many supporters of woman suffrage attributed to women voters an almost mystical ability to judge a person's constitution. Mrs. Helen G. Loeb of Colorado insisted that "equal suffrage compels the nomination of a better class of officials,"<sup>41</sup> who would uphold the values of respectability and hard work cherished

by the middling sort. The Honorable George F. Howe of Denver concluded that “the capacity to judge of character is woman’s special instinct and gift,”<sup>42</sup> and the right to vote allowed this talent to influence the election of Colorado public officials. Paula Baker goes so far as to say “the cultural assignment of Republican virtues and moral authority to womanhood helped men embrace partisanship and understand electoral politics as social drama,”<sup>43</sup> thus reviving male interest in the political world they previously took for granted. Loeb notes that in the 1890s the “enthusiasm of women created what has been well termed a renaissance of interest among men, arousing the indifferent from their political torpor.”<sup>44</sup> Whether woman suffrage motivated men through camaraderie or anger was not at issue with suffrage supporters. In fact, in 1894, 94% of women in Denver were registered to vote and 84% of that number cast their ballots,<sup>45</sup> suggesting that the power of the voice of the Republican Mother might indeed change the world.

Howe asserted, further, that woman suffrage in Colorado “purified the home and rendered womanhood sweeter and more feminine”<sup>46</sup> because the right to vote pacified women. Howe defended the vote as women’s natural right, but noted that once this status had been achieved, suffrage agitation came to an end, and after voting, women returned contentedly to their homes for the rest of the year. Loeb used a similar tactic in stating, “when justice is accorded, the necessity of self-assertion disappears,”<sup>47</sup> and the need for women to deny the sanctity of domesticity subsides. Elizabeth M. Schneider argues that “once a right is articulated, or even won, the issues change,”<sup>48</sup> and the individuals who agitated for reform tend to revert to their previous roles. Judging by the failure of woman suffrage to achieve national approval until 1920, this assertion rings true. Frances Fox Piven further notes that by definition “involvement with government exacts the price of dependence,”<sup>49</sup> and in the case of woman suffrage, dependency felt quite natural to many reformers.

Some of the most passionate examples of pro-suffrage motherhood rhetoric appear in various topical periodicals from the 1840s to the early 1900s. Newspapers with a focus on woman suffrage merged as a potent form of propaganda, addressing the literate, middle-class mother to utilize her unique talents beyond the hearth. *The Lily*, which originated as a temperance magazine, was published from 1849 to 1856. As Edward Hinck notes, *The Lily* encouraged women to “visualize themselves as reformers in a historical tradition of all great humanitarians,”<sup>50</sup> by extending their righteous influence beyond the issue of temperance to the wider scope of political response. Interestingly, the editor of *The Lily*, Amelia Jenks Bloomer, reached her audience by consciously crafting the journal’s style of writing to appeal to the domestic sensibilities of mothers and wives. Text in *The Lily* tended to use indirect argument and a narrative tone, and focused on domestic and maternal issues.<sup>51</sup> Bloomer understood the need to reassure women that to think and talk about independence was not a deviation from their domestic sphere, or her audience would rapidly turn away.

In *The Lily*, Elizabeth Cady Stanton wrote a regular column entitled “Letters to Mothers.” Her contribution entailed advising women of how to teach their children about law, politics, and citizenship within the context of the home.<sup>52</sup> Shrewdly embedded

in her lessons for Republican sons was the suggestion that women begin to process the issue of their power, and to gradually expand its boundaries. Edward Hinck concludes that *The Lily*, through “reshaping the image of women with words...empowered them to act as reformers without violating their traditional roles.”<sup>53</sup> This was a testing ground, an arena in which women could silently ponder their options without directly threatening the authority of men.

*The Revolution* was edited by Elizabeth Cady Stanton and managed by Susan B. Anthony from 1868 to 1870. This was an openly suffrage-driven periodical. In it, according to Bonnie Dow, Stanton “did not hesitate to use the special, sympathetic nature of woman as an argument for her right to the ballot.”<sup>54</sup> In the July 1868 edition, Stanton made the following case for the obvious logic of woman suffrage in a just and rational nation:

*Surely, mothers should have a voice in the making and administering of our criminal laws, in the treatment of these weak and unfortunate ones... woman knows the cost of life better than man does, hence her quick sympathy for suffering, her impulse to save and protect life.*<sup>55</sup>

Stanton deemed the voting woman not only capable of reforming electoral politics, but also of overhauling and humanizing the justice and prison systems. Stanton grounded her arguments astutely in the language of Republican Motherhood, beseeching the reader to admit the irrefutable piety of such an individual. Stanton manipulated this rhetoric more fluently than most of her peers, even though in reality she utterly resented the restrictions motherhood placed on her potential as a woman.<sup>56</sup>

Similarly, but perhaps more innocuously, the *Woman's Tribune* addressed issues of suffrage alternated with domesticity from 1883 to 1909. This newspaper, edited by Clara Bewick Colby, urged women to seek the vote, but also offered them “home hints” on health, beauty, and dress.<sup>57</sup> By balancing conversation about woman suffrage with the presumption that women would maintain their duties as mothers, the *Woman's Tribune* engaged a formerly hesitant readership.

*The Woman's Column*, edited by Henry Blackwell from 1888 to 1904, took a more aggressive approach to suffrage;<sup>58</sup> perhaps because Blackwell was a man it was unnecessary for him to veil his motivations, or to justify his beliefs. As Marsha Vanderford notes, Blackwell's newspaper “argued that the franchise should be seen as a means for women to protect families,”<sup>59</sup> a right that was implicit in the definition of Republican Mother.

Clearly, advocates of woman suffrage utilized the language of Republican Motherhood to further their cause. They insisted that women would influence the nation in much the same way they influenced the home, and their insight and morality could initiate changes of massive moral and civic import. They painted a picture of the mother as the bringer of peace and harmony in the public sphere, who quietly returned to her domestic sanctuary at the end of the day.

Opponents of woman suffrage, fascinatingly, manipulated the same ideology to persuade the voting public to keep women from polluting their realm. Again, the

agitation on this topic came from both men and women, but the arguments used by the former exuded a slightly different tone than the latter. Still, the message was clear: a good Republican Mother does not need the vote, and suffrage would damage woman's ability to exert her utmost influence in the domestic sphere.

Paula Baker argues, "many women had a stake in maintaining the idea of separate spheres. It carried the force of tradition and was part of a feminine identity, both of which were devalued by the individualism that suffrage implied."<sup>60</sup> Therefore, women who valued their status as Republican Mothers fought vociferously against woman suffrage. Republican Motherhood elevated women to a level of esteem they could experience in no other role.

Francis Parkman argued in 1896 that woman suffrage was entirely unnatural, and that "in the full and normal development of womanhood lie the best interests of the world...let us save women from the barren perturbations of American politics."<sup>61</sup> Parkman fails to define "normal" but it is fair to estimate that perceived middle-class respectability provided the framework for this judgment. Similarly, Jeanette Leonard Gilder blustered in 1894 that "in politics I do not think that women have any place. The life is too public, too wearing, and too unfitted to the nature of women...it is against nature, against reason. Give woman everything she wants, but not the ballot!"<sup>62</sup> Gilder expressed her support for Republican Motherhood in arguing "cannot a woman find a sufficiently engrossing 'sphere' in the very important work of training her children! If there are any sons among them, she can mould them into good citizens."<sup>63</sup> Typically, no mention is made of the fate of Gilder's discounted daughters.

The responsibilities of the mother to perpetuate the teaching of civic virtues in the home far outweighed woman's need to vote in the eyes of these individuals. The Minority Report to the U.S. Senate summed up this manner of protest in 1886 regarding woman suffrage:

*We feel that our present duties fill up the whole measure of our time and ability...protests against all efforts to infringe upon our rights by imposing upon us those obligations which cannot be separated from suffrage, but which, as we think, cannot be performed by us without the sacrifice of the highest interest of our families and society.*<sup>64</sup>

Fulfilling the obligations of motherhood was apparently all the activity these women could manage. The right to vote would impinge upon their time with their families, and their devotion to the betterment of society.

In 1895, Mary MacIntire insisted woman suffrage would undermine Republican Motherhood through beckoning women to give in to the temptations of public involvement. She argued that "when political rewards are held out as the price of services in public life, many women – and those of the brightest – will be tempted to forego marriage and motherhood."<sup>65</sup> Not only did the politically empowered woman jeopardize male domination of the public world, by becoming more masculine, she actually endangered the propagation of American citizens. Further, MacIntire suggests that only intelligent women would seek the vote, effectively demeaning the



intellect of women relegated to the domestic sphere. The self-abnegation inherent in MacIntire's comments speaks volumes about the psychological constraints women faced in embracing the issue of suffrage. MacIntire confounds her own argument proposing, "suffrage cannot be the right of the individual, because it does not exist for the benefit of the individual, but for the benefit of the state itself."<sup>66</sup> She implies that even though women have for generations made decisions selflessly in the context of their own homes, they could not possibly transfer this skill to the public sphere; men, she supposes, possess some innate ability to put the good of the nation ahead of their own needs, the very trait that early Republican Motherhood compensated for as American society witnessed its absence in fathers.

The objections of men to woman suffrage went further than suggesting that a woman's influence belonged in the home; often, men actually perceived the vote as physically damaging to Republican Motherhood. According to George Crocker in 1887, "success in public life would mean a diminution of success in home life, a doubtful benefit to the state, a certain loss to the family."<sup>67</sup> The vote would apparently cause women to shirk their domestic responsibilities. No concession was made for the fraction of the day voting required. Further, Crocker argued that "the excitement and nervous strain of an active participation in public affairs may prove injurious to women's physical and mental health,"<sup>68</sup> rendering them incapacitated in their domestic role, and leaving their children abandoned and lacking maternal guidance.

A variation on this argument involved the idea that women did not need the vote because Republican Mothers, by definition, participated in public life through their husbands and sons. A female contributor to *Godey's Magazine* as early as 1852 noted, "I control seven votes; why should I cast one myself?"<sup>69</sup> Through her six sons and her husband, this woman claimed to speak her mind, saving her the discomfort of venturing into the public sphere. Similarly, a contributor to *Harper's New Monthly Magazine* in 1853 suggested, "the wife does exercise the right of suffrage. Through her husband; as the family representative she casts a vote, and the only vote which is consistent with the oneness of the elementary political organization we may call the family state."<sup>70</sup> The respectable wife and mother created a microcosm of national democracy within her family; she educated her children, gathered their opinions, and provided a consensus to her husband who might choose to apply said information to his own vote. Still, this process implies that the woman in question entrusted her husband with accurately representing her best interests, as well as those of her children. The bonds of marriage, in this regard, were sacred.

The role of mother was also revered in no uncertain terms by religious dignitaries in popular publications. The Reverend George H. Johnston suggested in the *Mercersburg Review* in 1878 that:

*Home is the divinely appointed theater of her activities. Domestic life is her native element; not as a servant or a slave, but beautiful as the rising sun, stately as a queen, pure in heart, amiable in life, inspiring man by her devotion to her mission...outside of domestic life...woman has no history, her life no meaning.*<sup>71</sup>



It would prove difficult indeed for the woman who resided fairly comfortably in the domestic sphere to resist the praise implicit in statements such as these, and easy to overlook the dire warning of the Reverend's final statement. If woman strays beyond the confines of home and her role as mother, she plunges into a void in which she is doomed to wallow eternally in despair and isolation. The religious overtones of Johnston's message are far from subtle.

Cardinal J. Gibbons made a similar plea in the *Ladies Home Journal* of January 1902. He stated, "while professing to emancipate her from domestic servitude, [woman's rights activists] are making her the slave of her own caprices and passions."<sup>72</sup> Gibbons' contribution, entitled "The Restless Woman," suggests that in encouraging women to seek the vote, activists led women down a dangerous path of discontentment and emotional confusion. Voting, in Gibbons' eyes, would only confuse these poor women, rendering their already fragile constitutions incapable of acceptable motherhood. After all, as a contributor the Editor's Table of *Harper's* concluded in 1853:

*The domestic is certainly the higher sphere: it is more closely connected with the essential life, or the end for which humanity exists...the best service that woman can confer upon the state, (and thus, through it, obtain the best security for her own personal rights and dignity) is making the home what it ought to be.*<sup>73</sup>

Why would a woman desire the vote when she exuded such obvious power within her own home? The fate of the nation rests, again, with the Republican Mother.

Clearly, nineteenth century women derived power from the concept of Republican Motherhood. Paula Baker notes that "through motherhood, women attempted to compensate for their exclusion from the formal political world by translating moral authority into political influence."<sup>74</sup> Gradually, from the American Revolutionary period to the turn of the twentieth century, women became bolder in their manipulation of the language of Republican Motherhood to incorporate its meaning into the quest for suffrage. Still, individuals who used this rhetoric as a conscious weapon in the battle for suffrage remained the exception to the rule.

It is apparent that most women persisted in employing idealistic imagery of their revered status to justify and secure their roles within the domestic sphere. Ultimately, according to Jane Jenson, "their identity was over determined by their potential for maternal nurturing in both the private and public realms,"<sup>75</sup> and women continued to experience difficulty in overcoming this hurdle. While supporters of woman suffrage almost certainly increased their loyalty base by arguing the cause for Republican Mothers, the dominant opinion, both male and female remained consistently separatist. The voice of the average woman or man in the late 1800s generally defended the terms of female domesticity, and chastised suffragists and other activists for attempting to remove woman from the security of her world. Fascinatingly, as pro-suffrage voices claimed the Republican Mother as an archetypal activist for the cause, anti-suffrage organizers colored the same woman the victim of unnecessary oppression. The rhetoric of Republican Motherhood boasted a keen double-edged blade.

Nancy Cott surmises that opponents of woman suffrage maintained that the vote was unnecessary, and that “motherhood was proposed as the central lever with which women could budge the world and, in practice, it offered the best opportunity to women to heighten their domestic power.”<sup>76</sup> While Elizabeth Cady Stanton and her followers demanded the rights of mothers in the public sphere, the majority of women within the home learned to accept their position as potentially, and ironically, domestically political. Cott concludes that “once early childhood was seen as the training ground of individual virtue, and the mother as its commander, women’s role seemed obvious.”<sup>77</sup> The suffrage movement dropped into a period of doldrums, of temporary stasis, towards the end of the nineteenth century. The movement’s leaders’ inability to convince the majority of middle-class American women that their lot was unacceptable surely contributed to this standstill.

Republican Motherhood elevated American women, at least superficially, to an almost divine station. Simultaneously, the cult of true womanhood within the domestic sphere leveled women of the amorphous middle-class, allowing any individual within this realm the potential to achieve and maintain respectability. The power of societal norms to dictate the action or passivity of these women should not be underestimated. Using the rhetoric of this paradigm to confine women to the domestic sphere proved a powerful technique both for anxious women and authoritative men.

Cott notes that originally “the canon of domesticity made motherhood a social and political role that also defined women as a class, and became the prism through which all expectations of and prescriptions for women were refracted.”<sup>78</sup> It became increasingly difficult, as the language of Republican Motherhood infiltrated the remotest corners of domestic life, to escape the implications of woman as visible only through this particular lens. Each time the rhetoric of Republican Motherhood surfaced as a tool to confine women, the permanence of this particular vision gained power. The majority of women still accepted that the domestic sphere was generally their appropriate residence, even if they supported the theory of woman suffrage. Ownership of the domestic sphere enhanced women’s status within society; it would prove difficult for suffrage advocates to convince American women that a more powerful role might exist.

Ultimately, the language of Republican Motherhood served to unite many nineteenth century women while marginalizing significant splinter groups. Nancy Cott suggests, “not until they saw themselves...classed by sex would women join to protest their sexual fate.”<sup>79</sup> Until the majority of American women realized that this rhetoric served to suppress their potential as citizens, the suffrage movement could gain little, and lose much, from the ideology of Republican Motherhood. Carol Mattingly notes simply “words are most effective when an audience admires the speakers and finds the message non-threatening.”<sup>80</sup> Until these pieces found their place in the unfinished puzzle of nineteenth century woman’s rights, the rhetoric of Republican Motherhood would serve to homogenize women within the home rather than support them without. Woman suffrage supporters made valiant efforts to claim this language for their own

purposes, but failed to convince American women, at this juncture, that there was more to life than the domestic sphere.

The language of Republican Motherhood contained immense power in the nineteenth century; its legacy persists even today in discussions of welfare reform, maternity leave, white supremacy, and “family values,” to name but a few diverse examples. Regardless of the success or failure of suffrage activists to motivate women through the use of this language, Republican Motherhood emerged as a critical point of discussion, causing women to at least consider their place in the domestic sphere, and assess their perceived control of their world. Ultimately, the language of Republican Motherhood caused women to feel safe, respected, and desirable as well as offering them a somewhat artificial sense of authority. It is no wonder that so many different individuals and groups employed this rhetoric to meet their needs, as it was the language the majority of women wanted to hear. Republican Motherhood emerged from the throes of crisis at the end of the eighteenth century, and continues to accompany women in conflict with American society. Its legacy is a winding trail of political and private successes and failures, each one animated by woman’s search for public autonomy and domestic validation in a society that still encourages blind loyalty to one or the other.



**HISTORY OF THE WRIT  
OF HABEAS CORPUS:  
and President Lincoln's  
Suspension of the Writ During  
the War of the Rebellion**

by Juliette R. Hidahl

Known as the “Great Writ of Personal Liberty,” the writ of *habeas corpus* is a hallmark in the legal system. By the time of the American Revolution, the writ held a place of great esteem for the founding fathers, but the only mention of it in the Constitution was the restriction that it could not be suspended except in times of rebellion or invasion when the public safety was at risk. In the early days of the Civil War, President Abraham Lincoln issued a proclamation suspending the writ of *habeas corpus*. During the period, over 13,000 people were incarcerated without the privilege of the writ. The only basis for their incarceration was that they were Southern sympathizers. After the September 11, 2001 attack on the World Trade Center and the Pentagon, the Bush administration jailed citizens without the power of the “Great Writ of Personal Liberty.”

Above: The Civil War era song *John Merryman* exemplifies the attitude of some to Lincoln's suspension of habeas corpus. Credit: Juliette Hidahl.

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In both cases, there was no formal proclamation suspending the writ nor had there been congressional debate about the President's authority to withhold the writ of *habeas corpus* in these cases. Rather, the issue for President Bush in his case against Jose Padilla, an American citizen accused of plotting with Al Qaeda to plant a "dirty bomb" in the United States, is that he is an enemy combatant and Congress gave express authority in a Joint Resolution of Congress issued on September 14, 2001 for the President "to use all necessary and appropriate force against those nations, organizations, or persons he determines planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001...."<sup>1</sup>

***Habeas corpus ad subjiciendum***—A writ directed to the person detaining another, and commanding him to produce the body of the prisoner, or person detained. This is the most common form of the *habeas corpus* writ, the purpose of which is to test the legality of the detention or imprisonment; not whether he is guilty or innocent.<sup>2</sup>

Many Americans do not understand the meaning of *habeas corpus*. Even the above definition is vague considering all the ramifications of *habeas corpus*. It forms the foundations for some of our most fundamental and sacred principles of personal freedom. Its function of inquiry into the legality of an individual's confinement is what makes the Great Writ so important. When a court issues a writ of *habeas corpus*, it directs the person detaining another person, to produce the body of the prisoner in court at a specific time and place. It requires that person to state the day and cause of the prisoners' detention, and requires him to do whatever the court or judge determines on the prisoners behalf. It provides for a swift remedy "in all cases of illegal restraint upon personal liberty."<sup>3</sup> In *Ex parte Watkins*, Chief Justice John Marshall described the writ of *habeas corpus* as "a high prerogative writ, known to common law, the great object of which is the liberation of those who may be imprisoned without sufficient cause."<sup>4</sup> However, note that the writ of *habeas corpus* is an extraordinary remedy, and courts use it only in situations where other remedies are not practical. A writ of *habeas corpus* is not automatic. A court or judge has the option of refusing the writ if there is no indication of "probable ground for relief ...shown in the petition."<sup>5</sup>

The development of *habeas corpus* is similar to the development of a tree. Its roots are found in struggles in England over monarchical and religious tyranny and conflicts between the Ecclesiastical Courts, the Privy Council, and the Common Law Courts over the jurisdiction of prisoners. Later, in the seventeenth century, jurisdictional disputes between the legislative and executive branch formed another foundation for the principles of freedom inscribed in the idea of *habeas corpus*. The taproot of the tree is the individual who was the unintended beneficiary of legal and legislative actions.

From these strong roots sprang a tree. The trunk of the tree is the great right of personal liberty. The branches of the tree are hallmarks of our legal system. For example, one branch of the tree is the principle that no one, not even a monarch, is above the law; and attendant to that principle is the notion that there should not be an arrest without cause. Another branch is the right to trial by jury. From it smaller branches

are formed: the right to face one's accusers and the defendant's right to appear at his trial and not be tried "*in absentia* or convicted by notoriety."<sup>6</sup> Yet another branch is the branch of due process: before execution can take place, judgment must come from due process. The accused has the right to be indicted by a jury of his peers in open court, free of secrecy or "malicious suggestion."

The origin of *habeas corpus* is unclear. Some scholars believe that it may derive indirectly from the Roman praetorian edict *de libero homine*. Others believe its source was in Norman Law. Under King Ine's reign (688-725 A.D.) there was a law that stated, in effect, that people cannot seek their own remedy, they have to go to court: "If anyone exacts redress, before he pleads for justice, he shall give up what he has taken, and pay as much again, and thirty shillings compensation."<sup>7</sup> Normans realized the need for a tool to ensure the appearance of an individual before the courts and assure payments of fines, called *wergold*. To do so, they created the *borh* system, under which one man became responsible for the "appearance and compliance of another."<sup>8</sup>

William the Conqueror established the *Curia Regis*, or the King's Council, and the *missi*, which was a system of itinerant justices who traveled regularly throughout the country. Under the Assize of Clarendon (1166 A.D.) and the Assize of Northampton (1176 A.D.), the *missis* decided that if their regular visit was not going to be soon enough, the sheriff would bring the body before the justices. Refined as the King's *breve*, it commanded the sheriff of the county in which the defendant resided to summon the party to appear at a specific court.

In 1215, barons under King John forced him to sign the Magna Carta. The Magna Carta was a carefully written document that asserted that the king must observe the rights of the nation. It provided instructions on how the King was to do his duties. More important to this discussion, Chapter 29 of the Magna Carta states, "No free man shall be taken or imprisoned or dispossessed or outlawed, or banished, or in any way destroyed, nor will we go upon him, nor send upon him, except by legal judgment of his peers and by the law of the land."<sup>9</sup> This defended the individual against arbitrary detainment.

From the fourteenth to the seventeenth century, English courts used *habeas corpus* to protect and increase their jurisdictions. Thus, one court could seek the release of a subject of another court by means of the writ, based on the assertion that the originating court did not have jurisdiction in the case. At this point, release was not related to the guilt or innocence of the subject.

There were problems, though, when the defendant did not respond to a summons. *Habeas corpus ad respondem* worked to remedy this problem. Established before 1230, courts used *habeas corpus ad respondem* when a defendant did not respond to a writ of summons three times. *Habeas corpus*, in this early sense, did not mean arrest, as such. Rather, it was an order for the sheriff to take a defendant into custody and bring him to court, because justice cannot be done in the absence of the parties of a lawsuit.

In the mid-fourteenth century, courts used *habeas corpus cum causa* to order the Sheriff to bring the body before the court with the cause of his detainment. Prisoners used the writ of *certiorari* to ask the court to examine the cause of their imprisonment.

Thus, these two forms began the association of *habeas corpus* with personal freedom and were the forerunners of our current understanding of *habeas corpus*.

In the late sixteenth century there were three courts that asserted authority over the individual: the ecclesiastical courts, the common law courts and the King's Privy Council. The Privy Council was a successor to the *Curia Regis*. Its purpose was to carry on the work of the government on behalf of the king. In 1591, complaining that the monarch's councilors imprisonments were in conflict with the law, judges from the King's Bench, Common Pleas, and barons of the Exchequer Court attempted to release those who were unlawfully imprisoned by using the writ of *habeas corpus*. The Privy Council returned the writs with no legal cause for confinement. As such, the judges ordered the prisoners be delivered. Therefore, the judges asserted power over the queen to issue the writ of *habeas corpus* in all cases and demanded that a return of the writ be made, except in special circumstances, such as high treason.

At the time, the High Commission of the Anglican Church was using *ex officio* oaths against Puritans as a method to impose self-incrimination. Common law courts resented the usurpation of their authority by the ecclesiastical courts. They argued that *habeas corpus* proved that the ecclesiastical courts did not have the power to imprison individuals. The writ became associated with the right of personal liberty as a sense of nationalism began to replace feudalist ideas. During this period, there was a new emphasis on heritage, including the heritage of the Magna Carta.

The next conflict was between the legislative and executive branches. The King's Privy Council was abusing its authority by incarcerating people without indictment, trial, or due process. Thus, in these cases, the Parliament remained subordinate. Parliament fought to restrict the king's power. Arguing that the writ of *habeas corpus* "was an instrument springing naturally and inevitably from the Magna Carta," they passed three resolutions providing that "no one should be imprisoned without showing of cause, and that if the writ were returned without cause shown, a prisoner committed by the King or Privy Council should be released."<sup>10</sup> Legislators demanded a Petition of Right, which abolished the king's power to imprison without showing cause.

In 1641, Parliament passed the *Habeas Corpus Act of 1641*. The act regulated the Privy Council and eliminated the court called the "Star-chamber."<sup>11</sup> The Star Chamber was another court used by the monarch to execute his will. All of this was for naught: the king continued to ignore both the Petition of Right and the *Habeas Corpus Act of 1641*.

The Glorious Rebellion of 1642 ended with the defeat and execution of King Charles in 1649. During the interregnum, Parliament wrestled with the problem of a definitive statutory resolution to the *habeas corpus* question. In 1679, Parliament passed the *Habeas Corpus Act of 1679*. According to historian, Helen A. Nutting, "The statute was enacted at the height of the Popish Plot when men seemingly were more interested in getting their fellow Englishmen into jail than out of it."<sup>12</sup> The act gave the power to issue the writ to the Chancery, King's Bench, Common Pleas, and Exchequer. It limited the amount of time to respond depending on the distance between the issuing court and the recipient of the writ. If the recipient refused to



produce the body within the time limits, he was liable to the petitioner for damages in the sum of one hundred pounds. It prohibited the transfer of prisoners, where, previously, jailers transferred prisoners to avoid the writ. Sir Thomas Lee noted, "He that is sent to Jersey or Guernsey may be sent to Tangier and so never know what his crimes are and no *Habeas Corpus* can reach him."<sup>13</sup> Prisoners could not be recommitted, once released under *habeas corpus*. The example of the December 1666 case of Lord Mordaunt, keeper of the Windsor Castle, demonstrates the abuse of recommittal. In response to a service of *habeas corpus*, Mordaunt called the serving officer a rogue, saying, "that was all the answer he would give to it" and threatening re-imprisonment of the defendant "again and again and keep him prisoner as long as he lived if he brought another *Habeas Corpus*."<sup>14</sup>

The question of suspension of the writ of *habeas corpus* first arose in 1688, when the king sent a courier to the court with the following request:

*I am commanded by the King to acquaint the House that several persons about the Town, in Cabals, conspire against the Government, for the interest of King James. Some the King has caused to be apprehended and secured, and thinks he may see cause to do so by others. If there should be set at liberty, 'tis apprehended we shall be wanting to our own safety, the Government, and People. The King is not willing to do any thing that he may be warranted by Law; therefore, if these persons deliver themselves by Habeas Corpus, a difficulty may arise. Excessive Bail you have complained of. If men hope to carry their great design on, they will not be unwilling to forfeit their Bail. The King asks your Advice....I forgot to tell you, some are committed of Treason only."*<sup>15</sup>

In effect, King James was asking for the suspension of the writ of *habeas corpus* to put down traitors. Some members of Parliament argued against the suspension. Those in favor of suspension believed that the threat to the government was the greater evil. As such, Parliament granted a three-month suspension. The king's courier returned to Parliament after the three-month period to ask for an extension. Sir Robert Napier responded to the motion, "This Mistress of ours, the *Habeas Corpus* Act, if we part with it twice, it will become quite a common Whore. Let us not remove this Landmark of the Nation, for a curse attends it."<sup>16</sup> The extension was refused. As we will see, this circumstance under which the writ of *habeas corpus* was suspended, informs the future American Constitutional convention.

Then, through this process, what once was a mechanism for the king to force the appearance of a subject before the Privy Council became a "beneficent remedy"<sup>17</sup> associated with the king's concerns for his subjects. "It was, therefore, in the developing view of the individual in society rather than in the nature of the writ itself, that an otherwise antilibertarian instrument (that is, one compelling appearance) was transformed into an instrument that safeguards individual freedoms."<sup>18</sup>

Early in the history of the British colonies in America, courts applied *habeas corpus* unevenly. Blackstone argued that the colonies were "conquered or ceded countries."<sup>19</sup>

The English courts previously ruled in another case that the laws of the conquered country remained in force unless the king changed the laws, which he could do at his pleasure. For Blackstone, then, *habeas corpus* was not applicable.

Another scholar, Joseph Story, argued that a 1722 *Privy Council Memorandum* extended British Law to the colonies.

*While continuing the established rule of extension in the instance of new and uninhabited countries and conquered Christian countries, the Privy Council held that in countries governed by laws 'contrary to our own religion' or in cases where the laws...were silent, the laws of the conquering country would prevail.*<sup>20</sup>

To prove his argument, Story called attention to the charters that established the colonies, noting that the colonists and their children were considered natural born subjects entitled to all the privileges and immunities thereof.

The colonists, on the other hand, argued that they conquered a place that was only inhabited by Indians. The early settlers carried the law of the conquerors to the colonies and the laws of the indigenous peoples were abolished. The colonists were selective in which laws they considered to be extended, though. They wanted to retain any laws that limited “royal prerogative.”<sup>21</sup> For them, the most important rule of English law was “liberty, and Freedom of a Man from [unlawful] Imprisonment” and the “great and efficacious” remedy against unlawful detention was the writ of *habeas corpus*.<sup>22</sup>

The writ was assumed through proclamation, common law or the extension of remedial statutes. In Virginia, the writ was included in the colonial charter and the 1710 *Habeas Corpus* Act was extended by proclamation of Governor Spotswood. Cotton Mather recommended securing the right of *habeas corpus* in Massachusetts after the *Habeas Corpus* Act of 1679 was passed in England. Privy Council denied the request. However, although the statutes were not allowed in Massachusetts, the common law writ was applied. In the Carolinas, remedial statutes enforced the application of the common law application. Common law and remedial statutes in Georgia and Maryland extended the writ, as well. New York used the writ of *habeas corpus* as early as 1679. For them, common law and statute extended the act. In the trial of John Zenger, Zenger applied for bail citing the Magna Carta, the Petition of Right, the *Habeas Corpus* Act, and the Bill of Rights to justify his request. In Connecticut, Rhode Island, New Jersey, New Hampshire, Pennsylvania, and Delaware the writ was independent of common law, but later adopted by statute. By 1776, the common law writ of *habeas corpus* was in effect in all of the American colonies.

Of course, the American revolutionaries were well aware of the importance of the writ. The Puritans came to America to escape religious tyranny, such as the enforced oaths of the ecclesiastical courts. Colonists fought the British in the 1776 revolution to cast off the oppression of the throne. When the framers of the Constitution met in Philadelphia in 1787, these memories informed their decisions.

The first mention of *habeas corpus* at the Constitutional Convention was in Charles Pinckney’s “Draught of a Federal Government.” In this draft *habeas corpus* appeared in

Article XVIII, which provided for trial by jury and the writ of *habeas corpus*. Pinckney raised the issue again on August twentieth, proposing the following draft.

*The Privileges and benefits of the writ of habeas corpus shall be enjoyed in this government in the most expeditious and ample manner: and shall not be suspended by the Legislature except upon the most urgent and pressing occasion and for a time period not exceeding \_\_\_\_\_ months.”*<sup>23</sup>

Notice that the draft specifically stipulates suspension by the Legislature.

The framers first discussed the clause eight days later, during the discussion of Article XI, which deals with the Judiciary Branch. James Madison’s notes were:

*Mr. Pinckney, urging the propriety of securing the benefit of the Habeas corpus in the most ample manner, moved “that it should not be suspended but on most urgent occasions, and then for limited time not exceeding twelve months.”*

Mr. Rutledge was for declaring the *Habeas Corpus* inviolate.

*– He did (not) conceive that a suspension could ever be necessary at the same time through all the states –*

*Mr. Govr. Morris moved “that the privilege of the writ of Habeas Corpus shall not be suspended, unless where in cases of Rebellion or invasion the public Safety may require it.”*

*Mr. Wilson doubted whether in any case (a suspension) could be necessary, as the discretion now exists with Judges in most important cases to keep Gaol [jail] or admit to Bail.*

*The first part of Govr. Morris (motion,) to the word “unless” was agreed to nem: con: on the remaining part; N.H. ay. Mas. ay. Ct. ay. Pa. ay. Del. ay. Md. ay. Va. ay. N.C. no. S.C. no. Goe. No. [Ayes – 7; noes – 3].”*

Further discussion revolved around the question of whether a federal writ was necessary because all states offered guarantees of *habeas corpus*. Therefore, according to the framers, a federal affirmation was not necessary, the language evolved to be a consideration of whether, and when the Federal government could suspend the writ.

Maryland delegate, Luther Martin, argued against suspension based on the fear that the federal government would use it arbitrarily to enforce its will upon the states:

*.... And it was urged, that if we gave this power to the general government, it would be an engine of oppression in its hands; since whenever the State should oppose its views, however arbitrary and unconstitutional, and refuse submission to them, the general government may declare it to be an act of rebellion, and, suspending the habeas corpus act, may seize upon the persons*

*of those advocates of freedom, who have had virtue and resolution enough to excite the opposition, and may imprison them during its pleasure, in the remotest part of the Union...*<sup>24</sup>

In response, Gouverneur Morris explained that the suspension was only allowed in cases where the public safety may require it. According to historian William Duker, “The necessity was defined by the terms whence the power to suspend was derived: as Congress was to be charged with calling forth the militia to suppress insurrection and repel invasion...when one of these situations existed...the privileges of writ could be suspended by Congress.”<sup>25</sup> Please note, again, that the reference to the writ is tied to the powers of Congress.

The next question addressed by the framers was where the clause should appear in the Constitution. The Committee on Style and Arrangement placed it in Article I, section 9. Section 9 is a series of limitations on Congressional power in relation to the states and the people. In addition to the restriction on suspension of the writ of *habeas corpus*, the section prohibits Congress from collecting direct or export taxes, drawing money from the treasury, granting names of nobility, passing ex post facto laws or Bills of Attainder, or interfering with the slave trade. Therefore, the placement of the clause indicates that it was “designed to restrict Congress from suspending state habeas for federal prisoners.”<sup>26</sup>

Discussion in the ratifying conventions centered on the need for a Bill of Rights, Thomas Jefferson contended that the Constitution was defective for want of a bill of rights, providing for “the eternal and unremitting force of the *habeas corpus* laws.”<sup>27</sup> In response, Alexander Hamilton argued in Federalist Paper number 84, that the inclusion of *habeas corpus* language in the Constitution negated any need for inclusion in a Bill of Rights. Concerning the right to trial by jury, Hamilton argued in Federalist Paper number 83:

*Arbitrary impeachments, arbitrary methods of prosecuting pretended offenses, and arbitrary punishments upon arbitrary convictions, have ever appeared to me to be the great engines of judicial despotism; and these have all relation to criminal proceedings. The trial by jury in criminal cases, aided by the habeas-corpus act, seems therefore to be alone concerned in the question. And both of these are provided for, in the most ample manner, in the plan of the convention.*<sup>28</sup>

As Duker notes, Hamilton’s reference to the writ of *habeas corpus* in Article I, Section 9 indicates that he believed that “the clause itself provided for the writ, and that it directed the courts to make the writ available.”<sup>29</sup>

Ratifying conventions in Virginia, Rhode Island and North Carolina endorsed amendments specifically stating the right to *habeas corpus*. For example, Virginia ratifying convention suggested an amendment “That every freeman restrained of his liberty is entitled to a remedy, to enquire into the lawfulness thereof, and to remove the same if unlawful, and that such remedy ought not to be denied or delayed.”<sup>30</sup>

The Virginia amendment was a response to concerns over the implied power theory, as well as the power to suspend *habeas corpus*.

Patrick Henry's concern was that the clause was stated in the negative, "... It does not speak affirmatively, and say that it shall not be suspended in those cases; but that it shall not be suspended but in certain cases, going on a supposition that every thing which is not negatived (sic) shall remain with Congress."<sup>31</sup>

A New York delegate complained:

*Why is it said that the privilege of the writ of habeas corpus shall not be suspended, unless, in case of rebellion or invasion, the public safety may require it? What clause in the Constitution, except this very clause itself, gives the general government a power to deprive us of that great privilege so sacredly secured us by our state constitutions?*<sup>32</sup>

Although, he had reservations, the New York delegate voted in favor of a federal suspension.

For Judge Dana, a Massachusetts delegate, the problem with the clause was that it did not provide any time limitations:

*The safest and best restriction arises from the nature of the cases in which Congress are authorized to exercise that power at all, namely in those of rebellion or invasion. These are clear and certain times, fact of public notoriety, and whenever these shall cease to exist, the suspension of the writ must cease also.*<sup>33</sup>

Regardless of such doubts, the Constitution was ratified in 1789 followed by ratification of the Bill of Rights in 1791. The Bill of Rights provided amendments that acknowledged the concerns of the delegates. Amendments included protection against unlawful search and arrest, the right to indictment by a Grand Jury, protection against double jeopardy, the right to a speedy trial, the right to a jury trial in civil cases, and prohibition of excessive bail.

The first test of the suspension clause came in 1807. General James Wilkinson arrested Eric Bollman, who was one of the Burr conspirators;<sup>34</sup> declared martial law, and refused to acknowledge the writ of *habeas corpus* issued by the Supreme Court of New Orleans. After the arrest, the Jefferson administration took steps to secure the commitment of Bollman and his co-conspirator, Samuel Swartout. Based on a charge of treason, the administration asked Congress to authorize suspension of the writ of *habeas corpus*. Senator William B. Giles presented the bill for suspension. The bill stated:

*... That in all cases, where any person or persons, charged with treason, misprison of treason, or other high crime or misdemeanor, endangering the peace, safety, or neutrality of the United States, having been or shall be arrested or imprisoned, by virtue of any warrant or authority of the President of the United States, or from the Chief Executive Magistrate of any State or*

*Territorial Government, or from any person acting under the direction or authority of the President of the United States, the privilege of the writ of habeas corpus shall be, and the same hereby is suspended, for and during the term three months from and after the passage of his act, and no longer.*<sup>35</sup>

It is important to note, that the bill did not delegate the power to suspend to the president, and there was a time limit imposed. More importantly, Jefferson approached Congress to suspend the writ of *habeas corpus* and did not assume the power himself.

The Senate passed the bill, but it failed in the House of Representatives. The prisoners then orally requested *habeas corpus* from the Supreme Court. According to Duker, in deciding in favor of the request, Chief Justice Marshall asserted “that the habeas clause placed Congress under an ‘obligation’ to provide an efficient means by which the privilege should be activated.”<sup>36</sup>

The next suspension of the writ was at the end of the War of 1812. On December 16, 1814, General Andrew Jackson declared martial law in New Orleans and restricted movement to and from the city. New Orleans was at risk of being invaded when British forces landed and captured all of the American gunboats on Lake Borgne. The Treaty of Ghent, which ended the war was signed on December 24, 1814, but Jackson did not receive word of it until after the January 8, 1815 Battle of New Orleans. Although, Jackson was aware of the treaty, he did not know the disposition of British troops, so he maintained martial law.

Martial law remained in force until February, when official word finally arrived. In the meantime, Jackson tried to stifle any discussion of the treaty in the press. The French-language press printed an anonymous article saying that:

*It is high time the laws should resume their dominion: that the citizens of this state should return to the full enjoyment of their rights; that, in acknowledging that we are indebted to General Jackson for the preservation of our city and the defeat of the British, we do not feel much inclined, through gratitude, to sacrifice any of our privileges, less than any other, that of expressing our opinion of the acts of Jackson and his administration.*<sup>37</sup>

Jackson responded by forcing the editor to give him the name of the writer. The writer was promptly arrested and incarcerated for “inciting mutiny and disaffection among the troops.”<sup>38</sup> When the author, Louis Louailler, obtained a writ of *habeas corpus*, from New Orleans federal district judge, Dominick Agustin Hall, Jackson not only ignored the writ but had the judge incarcerated, as well. The military court that tried Louailler acquitted him on the basis that he was not a member of the armed forces and the court did not have jurisdiction over him. Again, Jackson disregarded the court’s decision and kept Louailler locked up. Obstreperously, Jackson released Judge Hall, who was then escorted by federal troops to a location several miles from the city and set free.

Once Jackson received the Treaty of Ghent he rescinded martial law, Louailler was released, and Judge Hall returned to the city. Judge Hall retaliated for his humiliation by summoning Jackson to court and ordering him to explain why he should not be held in contempt for ignoring the writ. Jackson appeared in court, this time, and his counsel presented his arguments. In the end, Judge Hall found Jackson in contempt of court and fined him \$1,000.

Jackson's institution of martial law and denial of the writ of *habeas corpus* was an egregious usurpation of power. Nowhere in the Constitution does it allow a military man to do either. Only the President, as commander-in-chief, has the power to institute martial law, and only Congress can suspend the writ of *habeas corpus*.

The most well known instance when *habeas corpus* was suspended occurred during the Civil War. Even as President Lincoln traveled to Washington, D.C. for his inauguration, subversives plotted against him. Agitators in the South called for an attack on Washington. A Richmond journalist wrote:

*The capture of Washington City is perfectly within the power of Virginia and Maryland, if Virginia will only make the effort by her constituted authority; nor is there a single moment to lose. The entire population pant for the onset. There was never half the unanimity among the people before, nor a tithe of the zeal upon any subject that is now manifested to take Washington and drive from it every Black Republican who is a dweller there. From the mountain tops and valleys to the shores of the sea, there is one wild shout of fierce resolve to capture Washington city at all and every human hazard. The filthy cage of unclean birds must and will assuredly be purified by fire. The people are determined upon it, and are clamorous for a leader to conduct them to the onslaught. That leader will assuredly rise, aye, and that right speedily.<sup>39</sup>*

Six weeks after assuming office Lincoln faced dissent as the people of Baltimore rioted and burned bridges. According to nineteenth century historian J.A. Spencer, "...the city authorities, under an impression of its necessity, and also its helpfulness to the cause of secession, the same night issued an order for the destruction of the railroad bridges on the northern routes..." to impede the arrival of the Pennsylvania troops.<sup>40</sup> This was the first time that Lincoln considered suspending *habeas corpus* in the area along the rail routes leading from Maryland into Washington. It was imperative, due to its close proximity to Washington that Maryland remained in the Union.

The Maryland legislature was scheduled to convene on April 26 and Lincoln was concerned that they would vote to secede. With that in mind, he ordered General Winfield Scott to "watch and await their action," and to use his discretion. If they chose to "arm their people against the United States," Scott was "to adopt the most prompt and efficient means to counteract, even, if necessary, to the bombardment of their cities, and in the extremist necessity, the suspension of the writ of *habeas corpus*."<sup>41</sup> On April 27, he gave more definite orders:



*If at any point on or in the vicinity of the military line which is now or which shall be used between the city of Philadelphia and the city of Washington you find resistance which renders it necessary to suspend the writ of habeas corpus for the public safety, you personally, or through the officer in command at the point where resistance occurs, are authorized to suspend the writ.*<sup>42</sup>

One month later, General Scott enforced the order. On May 25, 1861, Union troops arrested John Merryman, and accused him of participating in the destruction of railroad bridges. Merryman, a state legislator and member of the militia, immediately obtained counsel, who petitioned for a writ of *habeas corpus* and presented it to Chief Justice Roger Taney. Taney, infamous for the Dred Scott decision, was a southerner who believed strongly in state's rights. Taney issued the writ of *habeas corpus* to General George Cadwalader. Neither Cadwalader nor Merryman appeared before the judge. Instead, Cadwalader sent an aide, Colonel Lee. Lee explained some of the charges against Merryman, and then stated on the behalf of General Cadwalader, that he was authorized by the President of the United States to suspend the writ of *habeas corpus*.

In response, Taney issued an attachment against Cadwalader. Cadwalader refused to receive the writ of attachment. Without further recourse, Taney read the following statement from the bench:

*I ordered the attachment yesterday, because upon the face of the return the detention of the prisoner was unlawful upon two grounds.*

*1. The President under the Constitution and laws of the United States cannot suspend the privilege of the writ of habeas corpus, nor authorize any military officer to do so.*

*2. A military officer has no right to arrest a person, not subject to the rules and articles of war, for an offense against the laws of the United States, except in and of judicial authority and subject to its control – and if the parties arrested by the military – it is the duty of the officer to deliver him over immediately to the civil authority, to be dealt with according to law.*<sup>43</sup>

Although Taney had the power to send a posse to bring the General to court, he determined that a greater force would meet a posse. He chose instead to issue a formal decision to present to the president.

Taney's written opinion stated two positions: first, Congress, not the President, had the power to suspend the writ; second, that only someone in the military who was subject to the Articles of War could be held in prison or brought before a military tribunal. Here, Taney assumed that since the suspension was enumerated under the powers denied to Congress, only Congress had the power to suspend the writ, while noting that in England, the power was reserved for Parliament.

Lincoln did not respond directly to Taney. Instead, he justified his actions in an address to Congress when they returned for a special session on July 5, 1861:

*Soon after the first call for militia, it was considered a duty to authorize the Commanding General, in proper cases, according to his discretion, to suspend the privilege of the writ of habeas corpus; or, in other words, to arrest, and detain, without resort to the ordinary processes and forms of law, such individuals as he might deem dangerous to the public safety... Of course some consideration was given to the questions of power, and propriety, before this matter was acted upon... Are all the laws, but one, to go unexecuted, and the government itself go to pieces, lest that one be violated? Even in such a case, would not the official oath be broken, if the government should be overthrown... It was not believed that any law was violated... It was decided that we have a case of rebellion... Now it is insisted that Congress, and not the Executive, is vested with this power. But the Constitution itself, is silent as to which, or who, is to exercise the power...<sup>44</sup>*

It is important to note a few important points of Lincoln's proclamation. First, Lincoln states that he acted as commander-in-chief. As commander-in-chief, he is entrusted with the public safety. Second, he notes that "consideration was given to the questions of power and propriety," indicating that he is aware that the power of suspension is enumerated under the Congressional powers, as opposed to the executive powers. Third, he asks if adherence to the Constitution is more important than the safety and security of the Union. Finally, he notes that the Constitution is silent on which branch of government has the power of suspension, it is not specifically granted.

Even before Lincoln read his formal proclamation suspending the writ of *habeas corpus*, Congress had begun work to authorize his actions. On July 4, 1861, Senator Henry Wilson notified his fellow congressmen that the next day he would announce six bills, one of which was to ratify the president's actions. The proposed bill read:

*Be it enacted... That all the acts and proceedings of the President in calling into the service of the United States the militia of the several States for the purpose aforesaid... all acts and proceedings relating to the operations of the military and naval forces of the United States, are hereby approved and confirmed, and the same shall be legal and valid, in all respects as if done under the express authority of Congress previously conferred...<sup>45</sup>*

Wilson did not specify suspension of the writ of *habeas corpus* in the proposed form of the bill. The formal, written joint resolution, however, included mention of Lincoln's suspension on the April 27, 1861. The enactment became a resolution, and the words "with the same effect as if they had been issued and done under the previous express authority and direction of Congress of the United States,"<sup>46</sup> were added.

An enactment serves to legalize something that lacks legality. Scholar George Sellery suggests that by adding the statement “as if they had been issued and done under the previous express authority of Congress,” the resolution becomes more obscure and appears to “legalize the illegal.”<sup>47</sup> Debates in Congress verify the intent. For example, John Sherman stated:

*I approve the action of the President. I believe the President did right. He did precisely what I would have done if I had been in his place – no more, no less...but I cannot here, in my place, under oath, declare that it was strictly legal, and in consonance with the provisions of the Constitution. I shall therefore be compelled to vote against the resolution.*<sup>48</sup>

Twelve other senators noted similar reservations. Senate debated the joint resolution for the next ten days.

On July 17, 1861, Senator Trumbull proposed another bill authorizing the suspension of *habeas corpus*. In its final form, the bill authorized the president’s suspension and added wording requiring prisoners to take an oath of allegiance. Those who refused would be detained “until the restoration of quiet and peace in the locality of the arrests.”<sup>49</sup> The special session ended without passage of the resolution.

Merryman was eventually released on bail. Although, he was indicted for treason, he never stood trial.

The suspension opened the door for other abuses, though. In the next six months, over 13,000 people were arrested without the privilege of the writ of *habeas corpus* most of whom merely expressed sympathy for the South. To prevent the Maryland legislature from voting to secede, according to William Rehnquist, “more than a dozen Maryland legislators suspected of secessionist sympathies were arrested.”<sup>50</sup>

A U.S. Marshall arrested Maryland printer Daniel Deckart presumably for publishing a disloyal newspaper. Deckart was released when he swore an oath of allegiance and agreed not to correspond with the insurrectionary states. In Alexandria, Virginia, a U.S. detective arrested Reverend J.R. Stewart “for omitting the prayer for the President of the United States.”<sup>51</sup>

In another case, Secretary of State, William Seward, had the Judge William J. Merrick placed under house arrest because he issued a writ of *habeas corpus*. Seward also asked the Comptroller of the Treasury to suspend Merrick’s pay. Seward bragged to British minister, Lord Lyons:

*My Lord, I can touch a bell on my right hand and order the imprisonment of a citizen of Ohio; I can touch a bell again and order the imprisonment of a citizen of New York; and no power on earth, except that of the President, can release them. Can the Queen of England do so much?”<sup>52</sup>*

Seward seems to have been a saint compared to Secretary of War Stanton. Seward arrested 900 civilians during his tenure as Secretary of State, while Stanton arrested

around 13,000 civilians. No one knows the exact number. Stanton ordered civilians to be tried in military courts, while Seward did not.

President Lincoln appointed Edwin Stanton to be Secretary of War after Simon Cameron resigned. Less than a month later, Lincoln issued Executive Order No. 1, Relating to Political Prisoners. Aside from chiding the judiciary for trying to embarrass the government, Executive Order No. 1 ordered the release of all political prisoners still in military custody, once they took an oath of allegiance to the United States and promised not to give aid and comfort to the enemy.

There were fewer arrests in the following months until Congress passed the Militia Act authorizing the Secretary of War to draft members of the state militia. In August 1862, Secretary of War Stanton by the authority of the president issued an order suspending the writ of *habeas corpus* for draft resisters and people arrested for disloyal acts. The President endorsed Stanton's actions in a proclamation issued the following month. Whereas Lincoln's first suspension prevented judicial inquiry, the second order was more severe in that prisoners were subject to martial law and trial, no matter how vague the charges.

In Wisconsin, a state with a large German population, the military draft drew protests and riots. Although the people of Wisconsin responded to Lincoln's call for volunteers, many of the immigrant population resented being drafted for a war that centered on issues from which they were far removed. One of the worst riots occurred in Ozaukee County. As the lottery was called, rioters surged toward the draft commissioner. He was pushed down the steps and beaten by the mob.

One of the leaders of the riot, Nicholas Kemp, was jailed and denied the writ of *habeas corpus*. Kemp presented his case to the Wisconsin Supreme Court. The Wisconsin judges came to the same conclusion as Judge Taney with an additional reason. For them, the president did not have the power to suspend the writ in accordance with the Constitution. Additionally, they claimed that martial law did not apply in areas where there was no rebellion or combat. The Wisconsin judges did not issue a writ of attachment for Kemp's military custodian, as explained by Chief Justice Dixon:

*As the issuing of the attachment at the present time may lead to serious and most unfortunate collisions, which it is possible to avoid by a short delay, I deem it advisable, adhering to the precedent set by other courts and judges under like circumstances, and out of respect to the national authorities, to withhold [the attachment] until they shall have had time to consider what steps they should properly take in the case.<sup>53</sup>*

Here again, the courts did not pursue recourse for fear of a more massive retaliation from the Lincoln administration.

Another notable case, involved an Ohio legislator, Clement Vallandigham. General Burnside, the commander of the Department of Ohio, issued General Order No. 38, in March 1863. The General Order stated, "The habit of declaring sympathies with the enemy will no longer be tolerated. . . . Persons committing such offenses will be at

once arrested with a view to being tried... or sent beyond our lines and into the lines of their friends.”<sup>54</sup> Vallandigham decided to test the order. He addressed a Democratic rally on April 30, 1863, where he defended the people’s right to assemble, denounced Burnside’s General Order No. 38, and denied that the government had the right to try civilians at military tribunals. The next day, after another political rally at which Vallandigham denounced the policies of “King Lincoln,”<sup>55</sup> Burnside sent his aide-de-camp and a company of seventy-seven men to arrest him.

The next day Vallandigham was brought before a military commission for trial. Vallandigham protested, saying that the military commission did not have the authority to try a civilian. Nonetheless, he was charged with violating the general order. On May 7, 1863, the military, commission composed of Burnside’s subordinates, found Vallandigham guilty of the charges and sentenced him to prison for the duration of the war.

Vallandigham’s attorney petitioned for a writ of *habeas corpus* from the United States District Court for the Southern District of Ohio, arguing that *habeas corpus* had not been suspended in Ohio. The government’s lawyer argued to the contrary and the judge, after taking the matter under advisement ruled in favor of the government.

Lincoln knew only what he read in the papers about the Vallandigham case. Inquiries of the nature of the complaint were met with vague responses from Burnside. When Secretary of War Stanton presented an order suspending the writ of *habeas corpus* in the Vallandigham case, Lincoln refused to sign it. On May 19, 1863, the Cabinet discussed the Vallandigham case. Secretary of the Navy Gideon Welles asserted that Burnside’s actions were wrong and most of the Cabinet agreed with him. Lincoln then reversed the military commission’s decision, and changed the sentence to banishment and ordered Vallandigham to be delivered to the Confederates in Tennessee. In time, Vallandigham ran the blockade and escaped to Canada. That he was placed on the Ohio ticket to run for Governor while he was in exile is testimony to his popularity among the people of Ohio.

There are a few important points to note about the Vallandigham case. First, Burnside acted as judge, jury and executioner. Not only did he write the law by issuing General Order No. 38, but also Vallandigham was tried and punished by Burnside’s subordinates. According to Rehnquist,

*“A criminal trial in a civil court must be based on a charge that the defendant engaged in conduct prohibited by an Act of Congress (in a federal court), or by an act of a state legislature (in a state court). Burnside’s order had no such pedigree; it was not even based on an order of the President or the Secretary of War. It originated with Ambrose Burnside, the commanding general of the military district of Ohio. Members of the armed forces are naturally accustomed to being governed by such orders. But Vallandigham was not a soldier, he was a civilian.”*<sup>56</sup>

Also, the fact that Lincoln was unaware of the details of the case speaks of a military run amok. Lincoln's refusal to sign the suspension and his correction of the punishment suggests that Burnside's actions were neither ordained nor approved.

Lincoln later justified Burnside's actions. Acknowledging that under normal circumstances a military commission would not have tried Vallandigham, he explained that the country was at war and Vallandigham was undermining the draft. In his letter to the *New York Tribune*, Lincoln asked, "Must I shoot a simple-minded soldier boy who deserts while I must not touch a hair of a wily agitator who induces him to desert?"<sup>57</sup>

In the meantime, after failing to act for two sessions, on March 3, 1863, Congress finally passed the *Habeas Corpus* Act of 1863. As they were well aware, their failure to act tacitly sanctioned the president's suspension. The act "indemnified and discharged" the President, Secretaries and heads of Departments from any indictments or lawsuits.<sup>58</sup>

In summary, it appears clear from the framers deliberations that the power to suspend lies with the Congress. Nonetheless, although Lincoln's actions may have been unconstitutional, Congress felt that the extreme, imminent threat of subversives justified the president's actions. As a body, they agreed that Lincoln as commander-in-chief found it necessary to use extraordinary methods to quell dissident acts. There is some justification to the argument that Lincoln was reacting to a sudden attack. According to Duker,

*By endowing Congress with the power to "declare" war, rather than to "make" war, it was the explicit intention of the framers to leave to the Executive the power to repel sudden attacks. The words "sudden attack" imply conditions where there is not time for consultation with Congress and where the attack is upon the American soil. Where these conditions exist, the President might employ the means "absolutely and indispensably necessary" for repulsion.<sup>59</sup>*

However, this does not justify the gross abuses wrought by the military, such as inhibiting free speech by arresting editors or radical speechmakers, as in the cases of Daniel Deckart or Clement Vallandigham; or, for that matter arresting a minister for failure to offer a prayer for the President.

In May 2002, Jose Padilla was arrested and detained on suspicion that he planned to use a "dirty-bomb" on American Soil. Mr. Padilla is an American citizen. Lawyers acting on Mr. Padilla's behalf petitioned for a writ of *habeas corpus*. The Bush administration refuses to honor the writ on the basis that Mr. Padilla is an enemy combatant. The USA PATRIOT Act (H.R. 3162) addresses the suspension of the writ only in regard to alien residents. In an opinion by U.S. District Judge Michael D. Mukasey, the court decided that Padilla's attorney may pursue the petition and denies "the government's motion to dismiss for lack of standing." Judge Mukaskey further acknowledges "the President is authorized under the Constitution and by law to direct the military to detain enemy combatants in the circumstances present here,

such that Padilla's detention is not *per se* unlawful." Instead of addressing the petition for writ of *habeas corpus*, the court decided in order "to resolve the issue of whether Padilla was lawfully detained on the facts present here, the court will examine only whether the President had some evidence to support his finding that Padilla was an enemy combatant, and whether that evidence has been mooted by events subsequent to his detention...."<sup>60</sup>

In conclusion, citizens need to be aware of the awesome powers of the writ of *habeas corpus* and what it means to their civil liberties. In this research, it is notable that while early Americans closely guarded the integrity of the "Great writ," two centuries later people have become much more complacent about their personal liberties including the writs protection against arbitrary incarceration. Although, President Bush's incarceration of Jose Padilla is lawful, citizens must be ever vigilant in protecting their freedom, meaning we must do more to educate ourselves on the issues and make our wishes known to our legislators. Additionally, there is a need for our legislators to be more overt in their deliberations. In the USA PATRIOTS Act, the language concerning the writ of *habeas corpus* is buried in a twelve hundred-page document. While this is not covert, this author suggests that such practices effectively hide the actions of Congress from the public view.





**DANA CRAWFORD AND  
HISTORIC PRESERVATION  
IN COLORADO:  
Past, Present and Future**

**by Leslie Karnauskas**

During the early 1960s, the Denver Urban Renewal Authority (DURA), along with other groups in many major cities across the country, razed large sections of downtown and built new modern structures. The Skyline Urban Renewal Project included twenty-two square blocks in Denver, bounded roughly by Speer Boulevard, Larimer Street, 20<sup>th</sup> Street, and Curtis Street. This area included the 1400 block of Larimer, where Denver City began.<sup>1</sup>

Denver developer Dana Crawford initially liked this block because of its architecture. As she researched its history, however, she “found that everything in Denver really had begun in this block and [she] began to feel driven about it”.<sup>2</sup> Crawford set out to keep the wrecking ball from this special block. She visited several cities throughout the country to learn and see what was done. Gaslight Square in St. Louis failed due to multiple ownerships and Crawford “resolved to obtain control over as much of the Larimer Square block as possible.”<sup>3</sup>

Above: Dana Crawford, ca. 1970. Credit: Tom Noel Collection.

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Obtaining financing, however, proved to be problematic, and plagued Crawford for years. Initially she bought many of the buildings in Larimer Square from their owners by trading “a portion of the equity in their buildings for shares of stock in Larimer Square, Inc.”<sup>4</sup> She did not obtain conventional financing until 1973. The corporation survived on stock subscriptions and short-term loans from Central Bank and Trust. Crawford maintained minimal ownership and took a second mortgage on her home to support this venture.<sup>5</sup> Bruce Rockwell, a former chairman of DURA and Colorado National Bank, admitted in 1983 that “neither his bank nor any other Denver bank would touch Larimer Square when it started. We, as conventional financiers, didn’t have the imagination to see what might happen, [but] Dana did.”<sup>6</sup> Even in 1990 Crawford continued to believe “The hardest part is getting the financing—that’s never easy.”<sup>7</sup>

Gender played an important role in Crawford’s difficulties in obtaining financing. Anne Flanigan, who authored Crawford’s nomination for induction into the Colorado Women’s Hall of Fame, wrote: “Perhaps the most significant achievement of her career as a developer was her ability to raise money with no track record from a male banking establishment to fund the development.”<sup>8</sup> Similarly, Jeanne Varnell determined in 1999 “When it came to getting funding for major developments and working with the construction industry, [Crawford] found there were many who objected to taking orders from a woman. ‘It always was very hard [to work] with the banks,’ [Crawford] recalled. ‘Women have made significant progress...but they still find enormous prejudice out there—getting loans, for instance.’”<sup>9</sup> When this author interviewed Crawford on this issue, she stated she “never thought that being a woman was an impediment.”<sup>10</sup> Perhaps time and recent success has changed her view.

Despite the financing difficulties, Larimer Square prospered. In July, 1971 it became Denver’s first locally designated historic district.<sup>11</sup> Larimer Square became the model for reuse developments all over the country and Crawford served as a preservation consultant to forty cities.<sup>12</sup> It was listed on the National Register of Historic Places on May 7, 1973.<sup>13</sup> In 1986, Crawford sold Larimer Square to the Hahn Company of San Diego for \$14.5 million and ended her involvement in its management.<sup>14</sup>

Crawford did not plan to become a historic preservationist and developer. Born Dana Hudkins in Salina, Kansas in 1931, she was “the only child in a family that maintained a strong interest in history and family heritage.”<sup>15</sup> She attended Monticello, a two-year college in Alton, Illinois, and then the University of Kansas in Lawrence where she was an English Literature major. Crawford completed a one-year business program sponsored by Harvard and Radcliffe in 1954. She moved to Denver and took a public relations position at William Kostka and Associates, leaving after one year to marry John W. R. Crawford, III, a geologist.<sup>16</sup> The Crawford’s had four sons and Dana became involved with the Junior League, the Denver Art Museum, and other civic organizations.<sup>17</sup>

At a time when many women stayed home and raised their children, Crawford did not consider herself a housewife. “[I]t tickles her when publicity for Larimer Square describes her as a ‘Denver housewife.’ ‘I never really have been a housewife,’ she says.

'I have a housekeeper, so the homefront is well organized. I like to cook when I have time, I don't sew very well and I like sports—swimming and skiing.'<sup>18</sup> Even though Crawford was at the forefront of the women's movement, it does not appear to have been a conscious choice. In a 1983 article about Crawford in *Empire Magazine*, a former associate is quoted as saying "She's very uncomfortable with feminism. She's gotten everything she's ever wanted, so there's no problem."<sup>19</sup> In the same article, Crawford is quoted as saying, "It's like everything else. Being female has its advantages and disadvantages, but the rules are the same. The business rules are the same. There are a lot of people who forget about that."<sup>20</sup>

Crawford's strength appears to emanate from a high level of self-esteem and confidence. One can only speculate on the influences that ensured her success. Certainly there had to be positive experiences in her formative years, along with educational accomplishments, that combined to develop her strong character. Another article states:

*Perhaps the most character-revealing statement Crawford makes is: "I'm not afraid of too much of anything. I think a sense of confidence and well-being comes from growth and learning. If you have that, there isn't anything to be afraid of. Because you're constantly in pursuit of the unknown, the unknown holds only challenges."<sup>21</sup>*

Crawford is not without detractors. Some call her the Dragon Lady of Denver. "If there is anything negative about Dana whispered among Denverites in general, it's a sense that she rules Larimer Square with an iron hand, that she cows her tenants and throws out anyone who displeases her."<sup>22</sup> The merchants in Larimer Square either made money or Crawford found some way to make them leave. The lease was very tight and Crawford insured that all tenants abided by it. Successful Larimer Square tenants, however, tended to "belong to the Dana Crawford fan club."<sup>23</sup>

Several of Crawford's business partnerships have been tumultuous over the years. She went through five architects on the Larimer Square project. Hard feelings still remain between her and Langdon Morris, the first architect on the project.<sup>24</sup> One writer described her business dealings as follows:

*She has sued powerful people, run roughshod over lesser opponents, and thwarted enough businessmen's plans that it wouldn't be hard to line up her enemies, turn them loose, and let 'em rip. But it would be too easy. Some of those people were simply outsmarted by Dana. Others are envious of her considerable abilities. The truth is, there is plenty of evidence for nearly any theory about what makes Dana Crawford run. She has style. She has smarts. She has drive. She can be a remarkable friend. She is combative. She has a nasty streak. She is devious. She is self-serving. And she has made a difference in Denver."<sup>25</sup>*

Following her success with Larimer Square, Crawford became involved with many other projects, beginning with the Oxford Hotel and The Ice House. In 1891 architect Frank E. Edbrooke, who later designed the Brown Palace and many other notable Denver structures, designed the Oxford Hotel. In 1981, Crawford joined with developer Charles Callaway to renovate the Oxford. “After some rocky financial years including bankruptcy, the Oxford Hotel, which was a hallmark for further Lo Do redevelopment, is doing well.”<sup>26</sup>

Built originally as a creamery in 1903, The Ice House later became the Beatrice Foods Cold Storage Warehouse. Crawford’s first plan was to develop the property as a design center, but failing this it has recently been converted to lofts and restaurants. In 1983, both the Oxford Hotel and the Ice House, became part of the Lower Downtown Historic District.<sup>27</sup>

Additional Crawford redevelopment projects downtown include Edbrooke Lofts, Acme Lofts, Cooper Flats, Market Center, and The Pride of the Rockies Flour Mill.<sup>28</sup> These projects support Crawford’s belief that “We do need more housing downtown, and that’s what I like to do.”<sup>29</sup>

Although in her early seventies, Crawford continues to pursue new projects. In a 1982 interview she stated she “wouldn’t mind getting involved with building something new.”<sup>30</sup> One of her current projects fulfills that desire: Prospect Place Village, located in the Prospect neighborhood bounded by 20<sup>th</sup> Street, the South Platte River and Park Avenue.<sup>31</sup> Crawford described this new construction development of five-and-one-half acres in a historic neighborhood as an Italian village with heavy timber buildings. There will be seven buildings, all named for historic Colorado mines such as the Ajax and the Tomboy. Crawford acknowledged this project is “really taking off.”<sup>32</sup> When asked about concerns with the softening Denver housing market, Crawford said although “real estate is somewhat off – downtown is still popular – rental tenants are still moving in.”<sup>33</sup>

Another on-going project with which Crawford continues to be involved is the redevelopment of Olde Town Arvada. Working with the Arvada Urban Renewal Authority, Crawford’s Urban Neighborhoods Inc. mapped out nine projects for the area. In order to build momentum, three were identified as priorities in 1999: to create a new streetscape for Wadsworth Boulevard and Grandview Avenue as the gateway for downtown, to develop a new town square including a library, and to renovate the McIlvoy House and convert it into a museum. Other improvements include new signage and improved restroom access in stores. The goal is to “create a lively environment that attracts people for shopping, business and entertainment.”<sup>34</sup> When asked about the progress on this project, Crawford confirmed that Grandview has been completed. The Olde Town square and library are in the planning phase and are supposed to be completed in 2004.<sup>35</sup>

The last project to which Crawford currently gives her time and energy is the redevelopment of Union Station in the Lo Do area of Denver. RTD purchased the 19-acre property to create a central transit station for light rail, city buses, heavy rail and commercial buses. According to Crawford, it is a “tough puzzle.”<sup>36</sup>

Her involvement in this project is as an unpaid member of the Union Station Advisory Committee (USAC) representing the property owners immediately adjacent to Denver Union Station.<sup>37</sup> The USAC, a public/private partnership, is developing the Union Station Master Plan. The public partners include the City and County of Denver, the Colorado Department of Transportation (CDOT), the Denver Regional Council of Governments (DRCOG) and the Regional Transportation District (RTD). The group of private partners known as the Union Station Alliance includes Jones Lang LaSalle; Parsons Brinkerhoff; Civitas, Inc.; Beyer Corporation; CRL Associates, Inc.; Environmental Planning Services; and Continuum Partners LLC. There is also legal support provided by Akin, Gump, Strauss, Hauer & Feld, LLP.<sup>38</sup>

A vision statement and goals have been created for the project. The vision statement is as follows:

*Denver Union Station will be a multimodal transportation hub of international significance and a prominent and distinctive gateway to downtown Denver and the region.*

*The station will bring critical elements of the public and private local, regional, statewide and national transportation systems, both existing and future, together with private development and inspiring civic features.*

*Union Station will create an exciting setting that will improve the connections between all transportation modes, respect the character and historical significance of the station and its adjacent neighborhoods and provide a stimulating environment for public activity and economic vitality.<sup>39</sup>*

The list of goals for the project is long and broken into five categories—transportation/multimodal center, urban design and neighborhood integration, historic preservation, development feasibility, and implementation and governance. Some key words used throughout the goals include “easy access and seamless connections”; “pedestrian friendly urban design elements”; “harmonious with the historic station and the surrounding neighborhoods”; “appropriate densities of development”; and “create a positive user experience.”<sup>40</sup> The minutes from the USAC meeting held on April 24, 2003, indicate that 44 alternative plans have been screened with two alternatives remaining.<sup>41</sup> The Master Plan is scheduled for completion in July 2003.<sup>42</sup>

Throughout her life Crawford has contributed generously of her time to various civic organizations. One such organization is the Colorado Historical Society, where she has been a member of the Board of Directors since 1983.<sup>43</sup> She also served on the planning team that created a statewide historic preservation plan in 2001 titled *Colorado Historic Preservation 2005*.<sup>44</sup> This plan includes information on the future support of historic preservation in Colorado.

The most common word throughout *Colorado Historic Preservation 2005* is “partner.” This is a goal of many organizations today but is often very difficult to achieve. Crawford believes that the “Colorado [State] Historical Fund allowed many

opportunities to partner and that private dollars need to leverage public dollars.”<sup>45</sup> The U.S. Advisory Council on Historic Preservation (ACHP) also recognizes this as important, declaring “partnership’ has become a popular term, but Federal agencies are not adequately exploiting the potential for partnerships with the private sector to preserve and use historic resources, often because of legal or administrative impediments.”<sup>46</sup> The ACHP attributes this to “poor information sharing and pooling of resources among Federal agencies or Federal, State, and local government organizations with similar missions.” Accordingly, it recommends:

*Congress should commission an independent policy study on the public costs and benefits of preserving historic resources that could be used to help set future legislative priorities, [and] should provide funding for the National Trust for Historic Preservation to pursue partnerships with Federal agencies in order to enhance stewardship of historic resources, especially through public outreach.”<sup>47</sup>*

Yet, these recommendations take tax dollars that in today’s political climate may be difficult to obtain.

*Colorado Historic Preservation 2005* includes a list of cities and counties that have adopted preservation ordinances.<sup>48</sup> This list seems to be heavily weighted to Front Range and mountain communities, while the eastern plains appear to be lagging. Yet Crawford knows that self-starting communities in eastern Colorado have achieved great results, such as the restoration of the Kit Carson County Carousel in Burlington. She believes “something needs to happen to raise consciousness in a community” and “every community has something to preserve.”<sup>49</sup>

Several historic preservation opportunities are cited in *Colorado Historic Preservation 2005*, such as, “Urban density may stimulate rehabilitation and adaptive use of underutilized historic buildings.”<sup>50</sup> Crawford has found that people “like to live where the action is and that is in historic buildings.”<sup>51</sup> The ACHP cites the same issue when discussing where Americans want to live and work. “Many of them want to reside and participate in communities that make the most of their heritage, preserve its best reminders, and use older homes, commercial districts, and noted landmarks to establish their community identity and increase its livability as well as its economic vitality.”<sup>52</sup>

Tourism is cited in *Colorado Historic Preservation 2005* as an economic advantage derived from historic preservation.<sup>53</sup> The ACHP has determined “Heritage is good for business generally, and it has certainly proven to be good for tourism. Increasingly, heritage or cultural tourism makes up much of the economy of communities and regions.”<sup>54</sup> Jennifer Moulton, the late Denver Planning Director and former President of Historic Denver, Inc., believed that the LoDo historic district in Denver, which was inspired by Crawford’s work in Larimer Square, “succeeded because it was promoted as an economic generator.”<sup>55</sup>

There is conflict in the state legislature today regarding the expenditure of Colorado State Historic Fund dollars for preservation or tourism. Concerns also exist regarding the damage that can be incurred by too much tourism at historical sites. How do these competing goals and uses for tax dollars get balanced? Crawford believes that there will probably be a compromise created regarding how to spend the gaming dollars. She cites Larimer Square as an example of the need to market every day to maintain its vitality.<sup>56</sup>

Appreciating cultural diversity in our historic preservation activities is another area of concern for Crawford. *Colorado Historic Preservation 2005* posits, “The easy and regular exchange of information between people who create, preserve, and protect all cultural resources yields a more comprehensive understanding of Colorado’s past.”<sup>57</sup> The ACHP agrees with this view. “[As the] ‘Nation of Nations,’ America needs to find a way for its unique blend of individuals, cultures, traditions, ethnic groups, and communities to thrive, while not ignoring the heritage common to the entire country.”<sup>58</sup> Crawford believes “diversity of history is the strength of place.” It is a challenge to uphold character in our historic sites, but “character is related to everybody’s story.”<sup>59</sup>

*Colorado Historic Preservation 2005* strives to create financial incentives, including educating preservationists about various grants available today.<sup>60</sup> Crawford believes that the tax incentives are too complicated to obtain and that they need to be embellished at the local, state and federal levels.<sup>61</sup> Frisco is an example of a Colorado community that has created a seemingly user-friendly supplemental incentive program. The plan includes an “incentive package. . . to recognize that property owners have varying desires and needs for their properties. The incentives can be used to preserve, renovate and maintain historic properties.”<sup>62</sup> A menu offers seven different incentives.<sup>63</sup>

The final issue discussed with Crawford is a statement in *Colorado Historic Preservation 2005*: “It is not difficult to identify what needs to be done to preserve Colorado’s sense of identity and its important places. It is more difficult to launch and complete bricks and mortar projects, pass and enforce local preservation ordinances, and implement education and outreach programs. Planning is the key to ideas becoming realities.”<sup>64</sup> Crawford sees historic landmark designation as a planning tool and although she “initially considered design review controls un-American, [she] loves them now.” Diverse groups need to work together to bring central city areas back in places like Detroit and St. Louis, and that takes planning.<sup>65</sup>

Crawford has been honored many times for her accomplishments. Her most distinguished historic preservation accolade is the Louise du Pont Crowninshield Award, which she received in 1995 from the National Trust for Historic Preservation. The award recognized her “pioneering efforts in recognizing aesthetic and economic potential in historic commercial buildings of . . . Denver [and] more than three decades of creative commitment to historic preservation at the local level and to the preservation movement nationally.”<sup>66</sup> Additionally, Colorado Preservation, Inc. named its annual awards event the Dana Crawford Awards Dinner to recognize her pioneering work in



preservation. The event honors individuals who have made significant contributions toward preserving Colorado history.<sup>67</sup> The best summary of Crawford's impact is a quote from another Denver developer, Charles Woolley, who said, "she's had a presence in nearly every major thing Denver has done in the last 25 years ... [and] it's safe to say that Denver would be a very different place without her."<sup>68</sup>

**DETECTING IDENTITY: HOW BRITISH NATIONAL IDENTITY IS REVEALED IN DETECTIVE NOVELS, 1920-1938**

by Susan J. Gustin

1. Agatha Christie, *Murder in Mesopotamia* (New York: Dodd, Mead & Company, 1936), 131.
2. Robin Cohen, "The incredible vagueness of being British/English," *International Affairs* 76:3 (2000): 581.
3. Most inhabitants of the United Kingdom became "citizens" with the 1948 Nationality Act, which was passed in response to an influx of non-white British subjects from the West Indies. Robin Cohen, *Frontiers of Identity: the British and the Others* (New York: Longman Publishing, 1994), 5-6.
4. Critic Edward Said discusses the relationship between literature and empire in *Culture and Imperialism*. He describes the relationship with statements such as "cultural forms like the novel, . . . were immensely important in the formation of imperial attitudes, references, and experiences" and "the novel, as a cultural artifact of bourgeois society, and imperialism are unthinkable without each other." While many have challenged his views, at a certain level I agree with his proposition that owning an immense empire must have influenced how people viewed themselves, and that that should be reflected in their literature. Edward W. Said, *Culture and Imperialism* (New York: Alfred A. Knopf, 1993; New York: Vintage Books, a division of Random House, Inc., 1994), xii; Said quoted in J. B. Kelly, "Culture and Imperialism (book review)," *National Review* 45:8 (April 26, 1993): 49.
5. In *Frontiers of Identity*, Cohen identifies an additional two frontiers. The first, the frontier with the Celtic fringe, was barely present in the detective novels and so was left out. The other frontier, with "aliens" seeking to immigrate to Great Britain, did not become significant until after World War II. Cohen, *Frontiers of Identity*, 7.
6. Robert Graves and Alan Hodge, *The Long Week-End: A Social History of Great Britain 1918-1939* (New York: W. W. Norton & Company, Inc., 1940), 300.
7. Alison Light, *Forever England: Femininity, Literature and Conservatism Between the Wars* (London: Routledge, 1991), 65.
8. Kate Caffrey, '37-'39: *Last Look Round* (London: Gordon & Cremonesi, 1978), 114.
9. Taylor quoted in Terrance L. Lewis, *Dorothy L. Sayers' Wimsey and Interwar British Society* (Lewiston, NY: The Edwin Mellen Press, 1994), iv.
10. This is particularly obvious in *Unnatural Death*, published in 1927, where Sayers describes the passage of time over the summer of 1927 by listing events of that summer, such as Chamberlin and Levine flying the Atlantic. Dorothy L. Sayers, *Unnatural Death* (New York: Harper & Row, Publishers, 1927; New York: Avon Books, 1968), 183. Robert Kuhn McGregor, and Ethan Lewis, *Conundrums for the Long Weekend: England, Dorothy L. Sayers, and Lord Peter Wimsey* (Kent, Ohio: The Kent State University Press, 2000), 3.
11. Agatha Christie, *The Murder of Roger Ackroyd* (New York: Dodd, Mead & Company, 1926; New York: Pocket Books, Inc., 1964), 133, 14.
12. Allingham's *Police at the Funeral* and Marsh's *Enter a Murderer*.
13. Margery Allingham, *The Black Dudley Murder* (Garden City, NY: Doubleday & Company, Inc., 1929; New York: McFadden Books, 1962), 163.

14. Susan Rowland, *From Agatha Christie to Ruth Rendell: British Women Writers in Detective and Crime Fiction* (Basingstoke, Hampshire: Palgrave, 2001), 39.
15. For example, see Alison Light's discussion of Agatha Christie in *Forever England*, 61-112.
16. Agatha Christie, *Lord Edgware Dies* (London: William Collins Sons & Co. Ltd., 1933; London: Fontana Books, 1978), 55.
17. Light, *Forever England*, 72.
18. Marcus Collins, "The fall of the English gentleman: the national character in decline, c. 1918-1970," *Historical Research* 75 (February 2002): 92.
19. *Ibid.*, 92.
20. Collins, "The fall of the English gentleman," 101; Ngaio Marsh, *Death in a White Tie* (Boston: Little, Brown and Company, 1938; New York: St. Martin's Paperbacks, 1997), 199.
21. Sayers, *Unnatural Death*, xi.
22. Lawrence James, *The Rise and Fall of the British Empire* (New York: St. Martin's Press, 1996), 371-385.
23. Denis Judd, *Empire: The British Imperial Experience, from 1765 to the Present* (London: Harper Collins Publishers, 1996; New York: Basic Books, 1997), 452-3.
24. James, *The Rise and Fall of the British Empire*, 417-19.
25. See discussions in *ibid.*, on Egypt, 386-394, on the Middle East, 395-411, and on India, 412-437.
26. *Ibid.*, 428.
27. For an extended discussion of imperialism in the movies, see Jeffrey Richards, "Boy's Own Empire: Feature Films and Imperialism in the 1930s," in *Imperialism and Popular Culture*, John MacKenzie, ed. (Manchester: Manchester University Press, 1986), 140-164. For a discussion of the Empire Marketing Board, see Stephen Constantine, "Bringing the Empire Alive': the Empire Marketing Board and Imperial Propaganda, 1926-1933," also in *Imperialism and Popular Culture*, 192-231.
28. Parry quoted in Antoinette Burton, "Who Needs the Nation? Interrogating 'British' History," *Journal of Historical Sociology* 10:3 (1997): 230.
29. John M. MacKenzie, ed., *Imperialism and Popular Culture* (Manchester: Manchester University Press, 1986); John M. MacKenzie, ed., *Propaganda and Empire: The Manipulation of British Public Opinion, 1880-1960*, (Manchester: Manchester University Press, 1984).
30. P. J. Marshall, "No Fatal Impact? The Elusive History of Imperial Britain," *Times Literary Supplement* (March 12, 1993): 8.
31. James, *The Rise and Fall of the British Empire*, 445-6.
32. Judd, *Empire*, 282-3.
33. James, *The Rise and Fall of the British Empire*, 440-1, 446-7.
34. Judd, *Empire*, 267.
35. Significant plot developments related to the empire occur in Allingham's *Police at the Funeral*, Marsh's *Artists in Crime* and Sayers's *Unnatural Death*. There is no mention of the empire in Christie's *Lord Edgware Dies*, Allingham's *Flowers for the Judge*, or in Sayers's *The Nine Tailors* or *Busman's Honeymoon*.
36. In the novels, "sahib" means "part of the ruling class," "wallah" means "a person connected with a particular function," and "pukka" means "first-rate or genuine." According to the Oxford English Dictionary, "sahib" had entered the language by 1700, "wallah" by the late 1700s and "pukka" (in the sense used in the novels) by the 1850s. There are eight examples of borrowed words in Sayers, three in Allingham, three in Marsh, and none in Christie. Christie did use these borrowed words; Alison Light quotes a passage from *Towards Zero*, which is not included in this study, that uses the phrase "pukka sahib." Light, *Forever England*, 95.
37. Dorothy L. Sayers, *Clouds of Witness* (New York: Harper & Row, Publishers, 1927; New York: Avon Books, 1966), 11, 12, 30, 48.
38. Dorothy L. Sayers, *Murder Must Advertise* (New York: Harper & Row, Publishers, 1933; New York: Avon Books, 1967), 38, 96.
39. Christie, *The Murder of Roger Ackroyd*, 23; Sayers, *Clouds of Witness*, 30; Margery Allingham, *Mystery Mile* (Garden City, NY: Doubleday & Company, Inc., 1934; New York: Bantam Books, 1985), 40.
40. Dorothy L. Sayers, *Have His Carcase* (New York: Harper & Row, Publishers, 1932; New York: Avon Books, 1968), 173.

41. Christie, *The Murder of Roger Ackroyd*, 5, 133.
42. Margery Allingham, *Police at the Funeral* (London: W. Heinemann Ltd., 1931), 312.
43. Leaving aside the novels set in the Empire, Marsh, Allingham, and Sayers each have one significant reference to the Empire in their novels. As far as brief references go, Christie has an average of 3.3 references in 3 books, Allingham an average of 2.4 references in 4 books, Sayers an average of 3.1 references in 10 books, and Marsh an average of 3.8 references in 4 books.
44. Allingham, *Police at the Funeral*, 10.
45. Dorothy L. Sayers, *Gaudy Night* (New York: Harper & Row, Publishers, 1936; New York: Avon Books, 1968), 236.
46. It is noteworthy that in the novels the non-white natives of the empire are all living in England temporarily. When the British were confronted with non-white subjects of the empire immigrating to England after World War II, they reacted by defining British citizenship explicitly for the first time in British history, and setting limitations on non-white colonists wanting to move to Britain.
47. Allingham, *Police at the Funeral*, 103.
48. *Ibid.*, 105.
49. Sayers, *Unnatural Death*, 112.
50. *Ibid.*, 199, 203.
51. Agatha Christie, *The Man in the Brown Suit* (London: John Lane, 1924; London: Pan Books, 1953), 12.
52. *Ibid.*, 90.
53. *Ibid.*, 118.
54. *Ibid.*, 94, 128.
55. Christie, *Murder in Mesopotamia*, 3, 19.
56. Edward W. Said, *Orientalism* (New York: Pantheon Books, a division of Random House, Inc., 1978; New York: Vintage Books, 1979), 300.
57. Said, *Orientalism*, 300.
58. Christie, *Murder in Mesopotamia*, 51.
59. *Ibid.*, 190.
60. *Ibid.*, 11, 94.
61. *Ibid.*, 54.
62. Sonya O. Rose, "Race, Empire and British Wartime National Identity, 1939-45," *Historical Research* 74:184 (May 2001): 220.
63. Ngaio Marsh, *Vintage Murder* (London: William Collins Sons & Co. Ltd., 1937; New York: St. Martin's Paperbacks, 1999), 165, 73.
64. At the turn of the last century, the *New York Times* commented on the dislike of England by noting that "it is probable that no other people than the English would discuss with so much gravity...the question why they are generally disliked," as the London *Times* had been doing for some weeks. The *New York Times* also reported that the London *Spectator* "discusses with remarkable candor the subject of the 'Unpopularity of England,' and it starts out by admitting that, of all the nations of the earth, its own is the least liked and most cordially hated." The United States and Great Britain were not getting along in 1895-6 and the *New York Times* reported these negative reactions to Britain with a certain amount of glee, but note that the *New York Times* is quoting British sources writing on British unpopularity *New York Times*, February 10, 1896 and October 28, 1895.
65. Marsh, *Vintage Murder*, 16.
66. *Ibid.*, 17.
67. *Ibid.*, 33.
68. *Ibid.*, 47.
69. *Ibid.*, 228.
70. *Ibid.*, 244.
71. *Ibid.*, 83, 116, 129.
72. According to the Oxford English Dictionary, this use of "white man" was originally American slang. The definition that applies is 2b: "a man of honourable character such as one associates with a European (as distinguished from a negro)." "White" can be similarly used as an adjective to mean "honourable, square-dealing," as in Edith Wharton's novel *The Custom of the Country* (1913), in which a character says, "Well—this is white of you."

73. Allingham, *The Black Dudley Murder*, 87.
74. Christie, *The Man in the Brown Suit*, 18.
75. Christie, *The Murder of Roger Ackroyd*, 118, 135.
76. Sayers, *Have His Carcase*, 129, 199, 94; Ngaio Marsh, *Death in a White Tie*, 182.
77. Allingham, *Police at the Funeral*, 147 .
78. Sayers, *Unnatural Death*, 123.
79. Dorothy L. Sayers, *Whose Body?* (New York: Harper & Row, Publishers, 1923; New York: Avon Books, 1961), 162.
80. Janet P. Morgan, *Agatha Christie: a Biography* (New York: Knopf, 1985), 77.
81. Light, *Forever England*, 74.
82. Christie, *Lord Edgware Dies*, 122-3.
83. Sayers, *Have His Carcase*, 161.
84. *Ibid.*, 121.
85. *Ibid.*, 155.
86. *Ibid.*, 161.
87. *Ibid.*, 61.
88. *Ibid.*, 220-1.
89. Christie, *The Murder of Roger Ackroyd*, 163.
90. Anonymous, "American Dislike for England." *The Spectator* 76 (January 1898): 127-8
91. One exception is Paul Brande's American-born wife in Allingham's *Flowers for the Judge*, of whom it is said "foreigners may be forgiven for being chic." Allingham says that the British "distrust the quality of smartness"; Europeans would simply call the British stodgy and unfashionable.
92. Some examples include British fascination with the American frontier, as can be seen by their love for the Leatherstocking novels of James Fenimore Cooper in the mid-1800s, their welcoming of Buffalo Bill's Wild West Show in the 1890s, and vacations taken by wealthy Britons to hunt on the American frontier at the turn of the last century. Also, when Britain and the United States were reaching a rapprochement in the 1890s, articles extolling America would nevertheless refer to the prevalence of lynching, another sign of American wildness and lawlessness.
93. Marsh, *Death in a White Tie*, 220.
94. Christie, *Lord Edgware Dies*, 16.
95. Sayers, *Whose Body?*, 59.
96. Sayers, *Have His Carcase*, 327.
97. Marsh, *Death in a White Tie*, 74.
98. In Christie's *Lord Edgware Dies*, an English maid tells Poirot "I've read about Chicago and them gunmen and all that. It must be a wicked country." Christie, *Lord Edgware Dies*, 66.

## **FROM COLONIAL DOMESTICITY TO SUFFRAGE PLATFORM: THE RHETORICAL REVOLUTION OF REPUBLICAN MOTHERHOOD**

*by Cathy Walker*

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2. *Ibid.*
3. *Ibid.*
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5. *Ibid.*, 76.
6. *Ibid.*, 106.
7. *Ibid.*, 206.
- 8/9. *Ibid.*, 269.
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11. Nancy Cott, *The Bonds of Womanhood: "Woman's Sphere in New England 1780-1835* (New Haven: Yale University Press, 1977), 94.

12. Ibid, 97.
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18. Mrs. A.J. Graves, *Woman in America: Being an Examination into the Moral and Intellectual Condition of American Female Society* (New York: Harper and Brothers, 1843), 57.
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25. Minot J. Savage, *Man, Woman, and Child* (Boston: G.H. Ellis, 1884), 28
26. Julie Joy Jeffrey, *The Great Silent Army of Abolitionism: Ordinary Women in the Antislavery Movement* (Chapel Hill: The University of North Carolina Press, 1998), 93.
27. Ibid, 2.
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30. Ibid.
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32. Ibid, 21.
33. Ibid, 28.
34. *Woman's Rights Conventions: Seneca Falls and Rochester* (New York: Arno & the New York Times, 1968), 7.
35. Ibid, 8.
36. Ibid, 14.
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38. Sarah S. Platt, *Political Equality Series*, 5.2, June 1899.
39. Ibid.
40. Harry E. Kelley, *Political Equality Series*, 2.3, 1897.
41. Mrs. B. Borrmann Wells, *America and Woman Suffrage* (London: W&G Baird, 1909).
42. Helen G. Loeb, *Woman Suffrage Leaflet*, 5.5, September 1896.
43. George F. Howe, *Woman Suffrage Leaflet*, 1.7, November 1888.
44. Paula Baker, "The Domestication of Politics: Women and American Political Society, 1780-1920," in *Women, the State, and Welfare*, ed. Linda Gordon (Madison: University of Wisconsin Press, 1990), 76.
45. Loeb.
46. Ibid.
47. Howe.
48. Loeb.
49. Elizabeth M. Schneider, "The Dialectic of Rights and Politics: Perspectives from the Women's Movement," in *Women, the State, and Welfare*, ed. Linda Gordon (Madison: University of Wisconsin Press, 1990), 246.
50. Frances Fox Piven, "Ideology and the State: Women, Power, and the Welfare State," in *Women, the State, and Welfare*, ed. Linda Gordon (Madison: University of Wisconsin Press, 1990), 256.
51. Edward A. Hinck, "The *Lily*, 1849-1856: From Temperance to Woman's Rights," in *A Voice of Their Own: The Woman Suffrage Press, 1840 - 1910*, ed. Martha M. Solomon (Tuscaloosa: University of Alabama Press, 1991), 32.

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57. Ellen Carol DuBois, *Harriot Stanton Blatch and the Winning of Woman Suffrage* (New Haven: Yale University Press, 1997), 11.
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64. Ibid, 4.
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## **HISTORY OF THE WRIT OF HABEAS CORPUS: AND PRESIDENT LINCOLN'S SUSPENSION OF THE WRIT DURING THE WAR OF THE REBELLION**

by *Juliette R. Hidahl*

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24. Ibid., 130.
25. Ibid., 131.
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30. Ibid., 134.
31. Ibid.
32. Ibid., 135.
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## **DANA CRAWFORD AND HISTORIC PRESERVATION IN COLORADO: PAST, PRESENT AND FUTURE**

*by Leslie Karnauskas*

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## DETECTING IDENTITY: HOW BRITISH NATIONAL IDENTITY IS REVEALED IN DETECTIVE NOVELS, 1920-1938

by Susan J. Gustin

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## FROM COLONIAL DOMESTICITY TO SUFFRAGE PLATFORM: THE RHETORICAL REVOLUTION OF REPUBLICAN MOTHERHOOD

by Cathy Walker

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by *Juliette R. Hidahl*

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