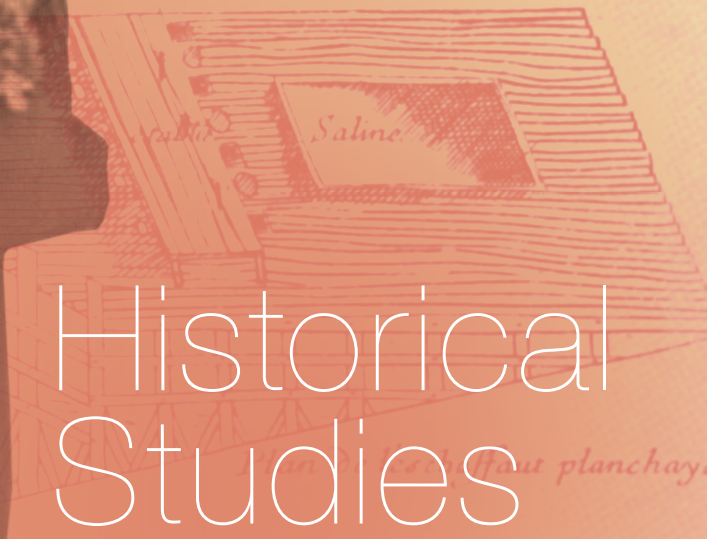


*Edifice de leschaffaut avec les
hermis la coupe des d'ors oute.*



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 University of Colorado
Denver

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Historical Studies Journal

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Preface

The University of Colorado Denver History Department's Historical Studies Journal showcases the best student scholarship and provides those students with an opportunity to experience the process of scholarly publication. The Journal also provides students with the opportunity to sample the experience of editing a journal. Both of these are valuable experiences for students regardless of whether their path leads to academia, commerce, industry, public history, or other public service.

This is my second year on the editorial staff on the Historical Studies Journal. My favorite part of the process is reading the articles. I always learn new things and I am sure you will, too. The articles in this issue of the Journal span both space and time. Gary Wilcox's paper on the collision of the Jewish and Arab nationalism in the Middle East is timely and explains how some of the root causes of the current ISIS crisis date back to British foreign policy before World War I. Nearer to home, David Duffield examines the history of Denver laws prohibiting cross-dressing in public spaces. David analyzes why those ordinances were passed at the time they were and how other populations such as the disabled and Asians were also excluded from public places at the same time. Returning to Britain around World War I, Dart Sebastiani explores how and why conscientious objectors attempted to avoid combat service. The last three papers concentrate on early English colonization of North America. Elijah Wallace describes how English settlers used regulation of the gun trade as a method to control natives. Charlotte Towle scrutinizes the economic and environmental impact of early fisheries. Finally, Aimee Wismar explores the lives of three of the Praying Indians who were jurors in the case related to the murder of John Sassamon, which may have precipitated the most devastating war between the Puritan colonists and the natives of New England.

I wish to thank the authors for their excellent research and writing, and for their co-operation in the process to make the articles shine. I want to thank the professors who submitted student papers to the journal and my assistant editors whose initial rating of the submissions was crucial to narrowing down the selections. The assistant editors also did the initial editing and found images to illustrate the articles both of which made my job easier. My thanks also go out to Dr. Thomas J. Noel, the faculty advisor of the Journal, whose help is crucial for the continuation of the Historical Studies Journal. In the end, it is our designer, Shannon Fluckey, who always makes the Journal look so beautiful. Thank you, Shannon.

As a final note, I would like to encourage faculty members and students to keep next year's issue in the back of their minds so that the best papers from all the history classes at the University of Colorado Denver continue to find their way into the Historical Studies Journal.

DARLENE CYPSE
Senior Editor



Wilson to Tsar... "Stop Your Cruel Oppression of the Jews"; c1904

Creator: Emil Flohri

Source: Library of Congress (<http://www.loc.gov/pictures/item/2004671428/>)

Aware of the Zionist pursuit to re-establish a Jewish homeland in Palestine, Yusuf al-Khalidi, a former Arab diplomat, professor, and mayor of Jerusalem in 1899, wrote a letter to Zadok Kahn, the chief Rabbi of France, who passed it on to Theodor Herzl, the recognized father of the Zionist movement. “The idea itself is natural, fine and just. Who can challenge the rights of the Jews in Palestine?” asked Khalidi. However, after continuing

Great Britain:

Courting the Collision of Arab and Jewish Nationalism

by Gary Wilcox

on to describe the resentment towards Jews held by Catholic Christian and Muslim population within the region, Khalidi suggested for the sake of peace that the Zionist movement seek a geographic nation elsewhere as a “most rational solution to the Jewish question.” “[I]n the name of God,” pleaded Khalidi, “let Palestine be left in peace.”¹ Herzl’s reply dismissed these concerns and insisted that Jewish immigration would bring “intelligence... financial acumen... and enterprise” to the region.²

When speaking of the Middle East, it has become natural for policy-makers to focus on the 1948 re-creation of Israel and the enduring consequence of immediate Arab-Israeli armed competition. Indeed, most people throughout the world have grown accustomed to the notion that “peace in the Middle East” starts and stops with Palestine.

Palestine, however, has become the historical distraction to the far wider damage in the region. If Israel is the problem, then what explains the twentieth century’s escalation of

After retiring from 20 years in the United States Marine Corps, Gary Wilcox achieved a Bachelor of Arts in History cum laude at the University of Colorado Denver in 2014. Gary is working towards a Master of Arts in Global History concentrating on the Middle East with a minor in American Foreign Policy.

internal oppressions and slaughters throughout the Arab world? The civil competitions and bloodshed of today's Middle East owes its genesis not to 1948, but to the early twentieth century Arab nationalism that concurrently emerged alongside Zionist nationalist claims. These conflicting ideals of geographic nationhood were encouraged and facilitated within the sympathetic and tactical scheming of British foreign policymakers during World War I, stemming from a combination of events that began in 1903. This paper aims to present these events as four phases. The first phase sprang from international sympathies over the Kishinev pogrom in 1903. The second phase resulted from erroneous diplomatic assumptions about the Young Turk Revolution in 1908. The third phase is comprised of the various tactical and land-grab scheming of the war years between 1915 and 1917. The final phase is the 1922 settlements that sought to appease all diplomatic and nationalist conflicts that would largely create the geographic canvas of the Middle East.

Before the twentieth century, the Arab world had begun to sow the seeds of Arab nationalism. Experiencing a cultural awakening since the late nineteenth century, the Arab Renaissance, or *al-Nahda*, began laying the groundwork for Arab unity. The modernization of Arab literature, language, and politics coincided with a small anti-Ottoman movement against governing policies in occupied Arab lands. In 1875, less than two dozen Christian Arabs in Syria formed the first organized Arab national movement. Due to tight Ottoman vigilance, theirs was a very secret society that recognized the necessity of unifying Muslim and Christian participation against Turkish dominance. They had branches in Damascus, Sidon and in Tripoli and posted anonymous placards violently denouncing the evils of Turkish rule in Beirut. They called upon Arab populations to rise up in rebellion.³ Constantinople's strong response, however, forced this movement into hiding. It disappeared within four years. Though always secret, and always aware of the dangers, various other nationalist organizations, of now Muslim Arab origin, began to emerge in defiance to Ottoman rule.

For a few Arab intellectuals, this anti-Ottoman movement extended towards growing Zionist nationalist aspirations. The Grand Mufti of Jerusalem, Muhammad Tahir Efendi ibn Mustafa al-Husaini, was among the first to speak out against Jewish immigration. His call for petitions against the sale of land to Jews was temporarily successful in Jerusalem in the early 1890s. Just years later, however, the Ottoman Empire introduced a curtailed policy that permitted Jews to continue entrance to the wider territory as pilgrims. Land sales were again authorized, but limited to business ventures. This policy, which slowed Jewish immigration, was rejected by the European powers.⁴ This included Russia where Jews had been targets of persecution and massacres for almost eighty years under state sponsored pogroms.

Before the week of Easter in 1903, a newspaper editor and publicly recognized anti-Semite named Pavel Krushevan spread hateful and venomous rumors about the murder of a Christian Ukrainian boy even though it was committed by a family member. "[T]he vile Jews are not content with having shed the blood of our Savior," accused the newspaper editor, "they crucified a Christian youth, whose blood they offered in sacrifice." Krushevan went on to claim that "these miserable, bloodthirsty men... should have been driven out of our country long ago."⁵ Krushevan, with the assistance of a vice-governor



1903 Pogroms in Kishinev
Source: <http://www.vitki.org>

and a high-ranking police officer, plotted an anti-Jewish pogrom by printing posters falsely attributing the sanctioning of violent retribution to the Tsar. An estimated 50 Jewish men, women, and children were raped and tortured to death. Only ashes remained of their shops and homes.⁶

Vladimir Korolenko, journalist and human rights activist, arrived at Kishinev two months after the slaughter to interview the survivors.



James Arthur Balfour, c1890
Source: University of Glasgow
(<http://www.universitystory.gla.ac.uk/image/?id=UGSP00435>)

There is a blot on the consciences not only of those who actually committed murder but also of those who provoked to murder, by their base lies and their preaching of hatred to their fellow men; and also on the consciences of those who maintain that the fault lay not with the murderers, but with the murdered, and that a whole nation may be treated as having no rights.⁷

After continuing to declare that life for the Jew in Rumania and Russia was beyond enduring, Korolenko posed the widely known Jewish question: “What country will open its doors for these refugees of the world’s hatred? If there is none, what will the Jews the world over do to provide a home for the oppressed of their people?”⁸

The organized, and less-than organized, massacres of the Russian pogroms had generated global sympathy for decades prior to the events at Kishinev in 1903, but the graphic violence that took place on April 6 and 7 was worse than before and drew the attention of the American and British public. The *New York Times* on April 28 declared the “...anti-Jewish riots in Kishinev...worse than the censors will permit to publish.”⁹ British readers of *The Times* on August 13 discovered that “rioting in its worst form went on simultaneously in widely different directions.”¹⁰

The British government, with Arthur James Balfour as Prime Minister, expressed its sympathy over the Jewish question in the summer of 1903. Having already been denied the right to establish a Jewish state in Palestine



David Lloyd George, cWWI
Source: Wikimedia Commons
(http://commons.wikimedia.org/wiki/File:The_Right_Hon._David_Lloyd_George.jpg)

by the Ottoman Empire, Theodor Herzl hired a British political lawyer named David Lloyd George. Lloyd George drafted an official proposal to the British government to establish a sanctioned territory in Cyprus with the hopes that re-locating to Palestine would become a reality in the future. This proposal was denied, but an alternative was introduced. Joseph Chamberlain, Secretary of State for the Colonies, and Henry Petty-Fitzmaurice, Secretary of State for Foreign Affairs, offered territory in Uganda in British East Africa to serve as a safe haven for fleeing Russian Jews and possibly a national home. With Herzl's agreement, Lloyd George prepared an official proposal and submitted it to Chamberlain's Office. It was received favorably by Balfour on August 13th. Chamberlain's reply on the 14th, via a letter from Sir Clement Hill, Chief of Protectorate in East Africa, stated, "If a site can be found... His Majesty's Government... will be prepared to entertain favourably proposals for the establishment of a Jewish colony or settlement which will enable the members to observe their National customs."¹¹ Noted author and historian David Fromkin argues that this first official recognition by a government of Zionists aims and first official statement proposing national status for Jewish people in 1903 marks this reply as the first Balfour Declaration.¹² The Sixth Zionist Congress, at the end of August, entertained the proposal, but took no action. The Seventh Zionist Congress ultimately refused this course of action in 1905. Lloyd George attempted to establish a settlement in Sinai again in 1906, but that also was rejected. Despite the British government attempting to seek an answer to the Jewish question, Zionist aspirations for a homeland in Palestine remained out of reach.

The next greatest breakthroughs for Arab nationalists and Jewish nationalists would come from the most unlikely of places. In Constantinople, between April and July of 1908, a group of Young Turks within the Committee of Union and Progress (C.U.P.) moved to reject the authoritarian rule of the Sultan. Their aim was to make way for a new progressive and liberal constitutional Turkish nation. C.U.P. membership was dominated by Muslim Turks with a small minority of residential Jews from within the Ottoman Empire. This successful revolution was an unwitting turning point for both Arabs and Jews.



1919 – al-Fatat Arab Nationalist Group
Source: Online Museum of Syrian History
(<http://www.syrianhistory.com/en/photos/145>)



Sherif Hussein ibn 'Ali,
c19th century (published in 1916)
Source: Wikipedia
([http://en.wikipedia.org/wiki/
File:Sherif-Hussein.jpg](http://en.wikipedia.org/wiki/File:Sherif-Hussein.jpg))

With the Ottoman grasp upon the Arab world weakened and a Turkish constitution implemented, various Arab nationalist organizations came out of hiding. The Ottoman-Arab Fraternity, the first Arab society in Constantinople, convened on September 2. In exchange for supporting C.U.P., the Arab nationalists demanded the establishment of an Arab national identity. This required Turk approval of Arab equality within Turkish rule, the spread of education in the Arabic language, and the observance of Arabic cultures.¹³ Of greater importance to the Arab nationalist movement was the approval and appointment of Hussein ibn 'Ali as the new Sharif of Mecca.¹⁴ Arab nationalists believed they were on the cusp of realizing their goals.

For Zionists, their 1908 breakthrough came from an erroneous assumption by British intelligence which planted the seed for future official Jewish national recognition in the Palestinian region. Gerald Henry Fitzmaurice, Chief Dragoman to Sir Gerard Lowther, the ambassador at the British embassy in Constantinople, imagined a much deeper plot when the Young Turks achieved their revolution. As a resident of Constantinople for nearly two decades and expert on Turkish, Arab, and Persian cultures, Fitzmaurice was a very influential man. He bizarrely concluded that the Young Turk Revolution was actually a Jewish-led Freemason coup. Fromkin submits that Fitzmaurice may have come to his initial conclusion because Young Turk meetings were held within the secessities of Freemason lodges and some members of the C.U.P. were of Jewish descent.¹⁵ Fitzmaurice's anti-Semitism may also have contributed to this misjudgment of events. "Fitzmaurice, the Dragoman," wrote T.E. Lawrence, "unfortunately, was a rabid R.C. [Roman Catholic] and hated Freemasons and Jews with a religious hatred... and his prejudices completely blinded his judgment."¹⁶ Whatever the reason for Fitzmaurice's uncharacteristic and incompetent error, he found a receptive ear in Lowther, the new ambassador who was publicly an ardent anti-Semite and, as Lawrence described, "an utter dud."¹⁷ Officially discrediting what was actually an internal Turkish revolution was Lowther's conspiratorial reports to Great Britain of the Zionist power within the new Turk government. This error would unwittingly play into the nationalist pursuit of Zionists almost a decade later during the War.

The first Turkish parliamentary elections in November 1908 were a disappointment to Arab nationalists and proved Fitzmaurice and Lowther's Jewish assumptions false. The results of the elections, which filled 275 member seats, consisted of 142 Turks, just 60 Arabs, 25 Albanians, 23 Greeks, 12 Armenians, only 5 Jews, 4 Bulgarians, 3 Serbs and 1 Vlach.¹⁸ Electoral procedures were controlled by the C.U.P. and included lists of approved candidates. As engineered, the C.U.P. wound up as the controlling party, not Arabs, and certainly not Jews. Considering that Arab Muslims represented an overwhelming percentage of the population within the Ottoman Empire, this disproportionate representation in parliament shocked Arab nationalists in Turkey who were seeking equality.¹⁹ The apex of their disappointment would occur four months later after Sultan loyalists attempted a coup against the C.U.P.-led government. The C.U.P.'s response was to abolish all ethnic nationalist organizations including the new Ottoman-Arab Fraternity. With Turks clearly in control of the empire, the Arab nationalists' assumptions for equality vanished.

Lowther's enduring misconception, however, gained widespread attention amongst British policymakers and exacerbated the conflict between Zionist nationalists and Arab nationalists. In 1909, Lowther began characterizing the C.U.P. as the "Jew Committee of Union and Progress."²⁰ In a private correspondence in 1910 to the viceroy of India, Sir Charles Hardinge, Lowther reported that, "the Constantinople head branch of the Committee of Union and Progress is also run by a Salonica Crypto-Jew and Mason..."²¹ Considering the Russian pogroms, British policymakers understood that Jews hated Russia. This subsequently led British policymakers to shy away from supporting the Young Turks as Great Britain sought to ensure stability with Russia's membership in the Triple Entente.²² Meanwhile, Arab nationalists had grown quite aware of the "Jewish" C.U.P. and grew to despise Zionists for not only their aspirations for a Jewish homeland in Palestine, but for their supposed leadership inside the Young Turk's oppressive government over Arabs. Events such as the 1908 Young Turk Revolution and the Balkan Wars in 1912 and 1913, which pushed the Ottoman Empire out of Europe, weakened the empire's military and political position in the Middle East as Arab nationalism gained popularity. In the Spring of 1914, right before the infamous spark that would usher in the Great War, Faisal bin Hussein, son of Hussein ibn 'Ali, the recently appointed Sharif of Mecca, met with Arab secret societies in Constantinople and received the Damascus Protocol which required "the recognition by Great Britain of the independence of the Arab countries lying within the following frontiers:"

North: the line Mersin-Adana to parallel 37°N and thence along the line Birejik-Urfa-Mardin-Midiat-Jazirat (ibn-'Umar)-Amadia to the Persian frontier;

East: The Persian frontier down to the Persian Gulf;

South: The Indian Ocean (with the exclusion of Aden whose status was to be maintained);

West: The Red Sea and the Mediterranean Sea back to Mersin.²³



1916-1918 Arab Revolt Fighters, c1918

Source: Library of Congress (<http://www.loc.gov/pictures/item/2004671428/>)



Sir Mark Sykes, c1918
Source: Wikimedia Commons
(http://commons.wikimedia.org/wiki/File:Mark_Sykes00.jpg)



Francois George-Picot, 1918
Source: Wikimedia Commons
(http://commons.wikimedia.org/wiki/File:Fran%C3%A7ois_Georges-Picot.JPG)



Sergey Sazonov, cWWI
Source: One's World War
(<http://onesworldwar.com/2014/07/21/>)

With what roughly amounts to a description of the Fertile Crescent, with added Mediterranean coastal districts in Turkey, Arab nationalists declared that if their design for the frontiers of a new Arab nation were submitted to the British government they would offer loyalty to the Sharif of Mecca if he decided to call for a revolt against the Ottoman Empire. Faisal approached Sir Henry McMahon, the British High Commissioner in Egypt, to gauge the British response for such a revolt within Islam's custodial empire. McMahon turned down the proposal. It had long been British policy to exploit the integrity of the Ottoman Empire to keep Russia pinned behind the Dardanelles. However, this policy changed drastically months later. On November 11, 1914, Constantinople declared a jihad against the Triple Entente and joined the Central Powers. Hussein, representing Arab nationalist groups, seized the opportunity and began a correspondence with McMahon in July 1915.

Between July 1915 and January 1916, the British government officially encouraged Arab independence and nationalism through the Egyptian office via the McMahon-Hussein correspondence. Hussein explained the Arab nationalist's reward for refusing the Sultan's call for jihad, opting instead to lead a revolt in his first letter to McMahon. Seeking British acknowledgment of the "independence of the Arab countries," Hussein passed on the proposals of the Damascus Protocol and added the condition of British approval of a "proclamation of an Arab Khalifate of Islam."²⁴ This addition would oppose the Ottoman-led caliphate and end 462 years of Sultan caliphs over Arabs. It would also guarantee Hussein his own kingdom. McMahon's reply on August 30 welcomed "the resumption of the Khalifate by an Arab of true race."²⁵ McMahon abruptly dismissed a commitment to the wider border demanded by Arab nationalists as premature. Hussein explained in his second letter on September 9 that the Arab world was united against the Ottoman Empire and any Arab revolt hinged on an agreement to the Damascus Protocol.²⁶ The territorial bargaining

began in McMahon's October 24 letter. McMahon refused to acknowledge Arab rights to "Mersina and Alexandretta [Mersin-Adana] and portions of Syria lying to the west of Damascus, Homs, Hama and Aleppo." McMahon, however, declared in his first article, "Subject to the above modifications, Great Britain is prepared to recognize and support the independence of the Arabs in all regions within the limits demanded by the Sherif of Mecca."²⁷ McMahon agreed to the length of border south of Turkey and once again agreed to give Hussein his kingdom in the Hejaz. If the Belfour Declaration of 1903 is the first official recognition by a government to national status regarding Jewish people, then McMahon's October 24 letter marked the first time Arabic speaking people were recognized by a great power to constitute a nation.²⁸ In his return letter on November 5, Hussein conceded and renounced the claim on Mersina and Adana, but offered his own modification. He insisted on the "Beirut and Aleppo" provinces, which are located west of Damascus in Lebanon and on the Mediterranean coast.²⁹ McMahon's guarded response on December 14 informed Hussein that the interests of France in that territory required "careful consideration" and "further communication" in the future.³⁰ So as not to "injure the alliance between Great Britain and France," Hussein decided to "leave to France... Beirut and its coasts" with the condition that after the war the request for Beirut and Aleppo would be made again.³¹ In the end, Hussein only managed to gain a guarantee for his own kingdom in the Hejaz along with the northern Fertile Crescent border scheme. With territorial concerns settled for the moment, future letters of the Hussein-McMahon correspondence included the Arab declaration to revolt against the Ottoman Empire, minor tactical considerations and requests for war materials.

While McMahon and Hussein were coming to agreements, the British were also trying to resolve the colonial claims of France and Russia. British and French diplomatic advisors Sir Mark Sykes and Francois Georges-Picot had come to a secret agreement with Russian Foreign Minister Sergey Sazanov that would ultimately deny Arab independence and undermine the aspirations of Arab nationalists. In negotiations occurring between November 1915 and March 1916, during the Hussein-McMahon correspondence, the Triple Entente settled on Arab state partitions as spoils of war following the Central Power's defeat. Despite declaring in the agreement that "France and Great Britain are prepared to recognize and protect an independent Arab states," [sic] France's northern territory of indirect and direct control would include Syrian and Lebanese territories while Britain's territory of influence and direct control included the region between French occupation and the Arab deserts. The British domain extended from just east of the Sinai Peninsula across Mesopotamia and to the Persian Gulf. If one were to place a map of the Damascus Protocol's design for an Arab nation next to a map showing the colonial designs of Great Britain and France such as in Figure 1, one would observe very little difference. Further examination reveals that there appears to be a more careful observance of geographic ethnicity in the Damascus Protocol than in the straight lines that slash across the region in the European colonial design. Since Great Britain and France voiced interests in the Palestinian territory, an "international administration" was to be established "the form of which [was] to be decided upon after consultation with Russia... with the other allies... and the representatives of the Shereef of Mecca."³² The Sykes-Picot-Sazanov Agreement would remain a secret for another eighteen months.

Figure 1. Damascus Protocol³³ on left, Sykes-Picot Agreement³⁴ on right.



Damascus Protocol, c2013
Creator: Dee Smith
Source: DeviantArt (<http://finnect.deviantart.com/>)



Map of Palestine under Sykes-Pico Agreement in 1916, 2014
Creator: Prof. Diederik Vandewalle, Dartmouth College
Source: <https://www.dartmouth.edu/~gov46/sykes-picot-1916.gif>

The Russian revolution of February 1917 and military ground conduct against the Ottoman Empire brought Zionist nationalism back into Great Britain's foreign policy. As Arabs were busying their Ottoman enemies with a symbolic armed revolt,³⁵ British forces began to receive covert intelligence reports from Jewish units behind Ottoman lines in Palestine. With Lowther's reports of Jewish control over the Young Turk Government still guiding some political considerations, Sykes informed France that keeping Russia in the war meant making concessions to Russian Jews, which meant that France had to surrender its claims on the Palestinian territory. This also meant that France would have to come around to the prospect of a Jewish homeland, which would in turn pull any Jewish loyalties away from the Turk government and towards allied victory. Covert Jewish military support to Great Britain and France had become a service for which a Jewish homeland would be payment.

As a bridge between Africa and Asia, however, Palestine's future status as a controlled territory still offered Britain an uncontested geographic route between Egypt and India. Jewish settlers would be loyal; thus officially supporting a Jewish homeland in the Levant became more than a talking point. Great Britain had never stopped harboring ideas of supporting Zionist nationalism, but now the tactical situation against the Ottoman Empire pushed British diplomats to begin fostering the idea of offering Jews an arrangement. Former 1903 Prime Minister Arthur Balfour, now the Secretary of State for Foreign Affairs, issued his Balfour Declaration on November 2, 1917 and published it openly in *The Times* on November 9:

His Majesty's Government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.³⁶

Just days after the issue, Lenin's October Revolution³⁷ occurred. Lenin revealed the secrecy of the Sykes-Picot-Sazanov Agreement and its full text was printed in the *Manchester Guardian* on November 26. With the Bolsheviks exposing the Triple Entente's future plans, Russia forfeited its claim to parts of Turkey and Persia. Despite the exposure of deceit and Arab outrage, strong support for the Balfour Declaration came from Great Britain's highest political office. David Lloyd George, former 1903 lawyer for Zionist leader Theodore Herzl, assumed office in December as the new Prime Minister.

The end of the war on November 11, 1918 brought the final defeat of the Central Powers including the Ottoman Empire, which left Arab and Jewish nationalists questioning their geographic futures. Uprisings and protests blotted the scene as both sides produced their renditions of either the McMahon-Hussein correspondence or the Balfour Declaration. In August of 1919, Balfour exacerbated and reaffirmed Great Britain's commitment to Jewish nationalism in a memorandum addressed to George Curzon, soon to be Foreign Secretary for Foreign Affairs. "If Zionism is to influence the Jewish problem throughout the world," Balfour declared, "Palestine must be made available for the largest possible number of Jewish immigrants."³⁸ Two years after the Treaty of Versailles in 1919 and with focus finally re-directed from the European continent, solutions to the contradictions in the Middle East were hashed out at the Cairo Conference of 1921.

With the colonial designations of the Sykes-Picot Agreement anchoring the talks and providing a unified British policy for the Middle East, Winston Churchill, the new Colonial Secretary, was tasked with reaching settlements throughout 1922. Hussein begrudgingly accepted only his independent kingdom in the Hejaz and he proclaimed himself king and Caliph of the Arabs. He would lose his kingdom, however, in 1925 to Ibn Saud, the newly recognized King of Arabia. In 1932, Saud would christen the state of Saudi Arabia. Hussein had also secured the promise of kingdoms for his two sons during the war via T. E. Lawrence. Amir 'Abdullah's kingdom gouged into eastern Palestine and southern Syria, creating Trans-Jordan. This unnatural British creation in 1922 corresponded to no historical province or local community, but helped the British government honor its commitment to Hussein's Hashemite family.³⁹ At the same time, by creating Trans-Jordan out of Palestinian territory, the British reduced their commitments to Zionists and the promise made in the Balfour Declaration. The rest of Syria and Lebanon fell under a French trusteeship with Faisal established as king. Armed with the Wilsonian motto of "self-determination," his immediate calls for his promised independence resulted in his quick removal. Needing a ruler for Mesopotamia, Great Britain gave Faisal another kingdom thus creating his Kingdom of Iraq. Parts of this country consumed pieces of what was supposed to be a "local autonomy for the predominantly Kurdish areas" or Kurdistan in accordance to the failed Treaty of Sevres in 1920.⁴⁰ What was left of Palestine fell under British administration as Palestinian Arabs protested their fellow Arab landowners who continued to sell land to more and more Jewish settlers. As for the Balfour Declaration, Jewish nationalism would have to wait for another bout of international sympathy, which most of Europe would enthusiastically facilitate in the near future.

Since the creation of Israel in 1948, “peace in the Middle East” has been expressly about the Palestinian territory. Even Osama Bin Laden in 2002 defaulted to Palestine in his letter to the United States explaining his reasons for the September 11, 2001 attacks. In a brief statement, Bin Laden alluded to the 1922 creation of the modern Middle East with an emphasis on only Palestine. “Palestine,” remarked Bin Laden, “has sunk under military occupation for more than 80 years.”⁴¹ After a passive hint of British military occupation in the “internationally administered” territory, the bulk of his message focuses on the creation of Israel, twenty-six years later, in 1948.

Yet the evidence of oppression and violence throughout the Middle East inside artificially created Arab states demonstrates that the unnatural borders drawn on a map in 1922 are clearly the far greater problem. Ethnic groups who had historically coexisted peacefully were carved apart behind unnatural state borders, and ethnic groups who had historically conflicted were forced to live together under oppressive dictators as Arab nationalists of old gradually passed the torch over to religious extremists to express their outrage. Without the dictators, radicalized religious groups and Arab terrorist organizations blot international headlines today. In *The End of Sykes-Picot*, a video published on the Internet, even the current Islamic State (IS) expresses its mission to “break barriers,” which include those of “Iraq, Jordan, Lebanon” and ultimately Palestine.⁴² Roughly describing the Damascus Protocol, the religiously extremist Islamic State has assumed the aspirations of early twentieth-century Arab nationalists who once allied themselves to the West before the West allied itself to Arab dictators.

Dealings between Arab nationalists and Jewish nationalists inside Great Britain’s foreign policy began over sympathy for Jews following the Kishinev pogrom of 1903, pushed to take shape after the Young Turk Revolution of 1908, and emerged in contradiction during World War I. In the end Arab nationalists saw their scheme for a nation dissected and divided amongst unnatural borders under continued foreign rule twenty-six years prior to the creation of Israel. The early collision of nationalist aims between Arabs and Jews over Palestine found its official geographic battleground much later in 1948. That battleground and so many dictators have masked the far wider social and ethnic collision amongst Arabs in the region which owes its modern genesis ultimately to British diplomats in 1922.



*Studio portrait of cross-dressed man and a woman in Colorado, between 1910 and 1920.
Photographer: Garrison, Ola Anfenson.
Source: Denver Public Library – Digital Collections*

In a meeting of Denver City Council on December 1954, the council voted unanimously to make it illegal for a man to dress like a woman in public except for entertainment purposes. One analytical-psychologist, Richard C. Matthews, noted that the ordinance targeted men who dressed like women in order to attract drunk men and rob them. He said if such an ordinance passed, it would outlaw

Dress-Nots and Panty-Raids:

Denver's Gender Ordinances and Public Space, 1886 and 1954

by David Duffield

the “panty-raids” which had swept the country earlier that spring. Matthews noted that if it passed both “unhappy persons” who went to parties to dress like women and “boys at DU” alike would “find themselves performing an illegal act.” Regardless, the council voted unanimously to pass the ordinance. Yet the 1954 ordinance was simply a change to an older 1886 ordinance stating that a person should not appear in public in “dress not belonging” to his or her own sex.¹

Both of these ordinances attempted to regulate gender performance in public spaces. The 1886 ordinance was part of a much broader attempt to regulate race, gender, and many other factors in public spaces. The 1954 ordinance was

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targeted solely at the gay community. Each drew harsh scrutiny on gender and sexual transgression and forever changed the community identity that we call “lesbian, gay, bisexual, and transgender.”

Scrutiny coincided with identity in each case, but whether it was a cause or an effect, whether it drove identity formation, and what is the role in public space are questions to be examined. I argue that there is a tension between scrutiny and identity and that when they coincide they are also codependent. Historians have argued that as a result of the public scrutiny of these laws, there was intensified identity formation around them.

Historiographically there has been a theoretical shift regarding anti-cross-dressing laws. In an influential 1983 article, John D’Emilio argued that the development of gay identity was attached to the formation of capitalism.² He proposed that by the late eighteenth century, the free labor market in colonial America had become socialized and the meaning of heterosexuality was no longer tied to procreation but to pleasure. A new visibility emerged for heterosexuality by World War II and people had “family planning” freedom. The massive social dislocation of millions of people during the war also offered opportunity in urban centers for visibility of those attracted to their same sex and for gender non-conformists. Urban space was thus vital to hetero and homosexual visibility and freedom.

There are a couple of problems with D’Emilio’s theory. The first is that there may have been a visible same-sex community long before the second World War. After being arrested for cross-dressing in Denver in 1895, Joe Gilligan was happy there was a community of people “like him” to turn to. The second is, as Alfred Kinsey noted in *Sexual Behavior of the Human Male* (1946), that despite urbanization, the highest levels of same-sex attraction were in rural areas.³ This raises questions about the role of urban space in visibility and gay identity formation. Urban spaces were focal points of sex and gender identity formation, by providing visual spaces that concentrated human interaction. Close space provided close encounters.

In a 1990 unpublished paper titled “Gender Disguise and the Law,” Nan Hunter, a legal historian, argued that regulation of gender identity was tied to “gender fraud,” or not presenting gender as assigned by society. She suggested that women were being punished for cross-dressing because they were trying to take advantage of opportunities for work afforded men.⁴ This is supported by the myth of people like Mountain Charley who disguised herself as a man in order to work. Yet as William Eskridge, a legal historian, shows that the theory ignores the fact that men also dressed like women. Eskridge theorizes that anti-cross dressing regulations were tied to gender deviance not gender fraud. Eskridge notes that an 1851 Chicago anti-cross-dressing ordinance was widely used as a model for most others. He also argues that the laws were tied to broader laws against indecency in public space. Antebellum and Gilded Age anti-cross dressing laws may have been responses to feminist demands for equality, but they were also tied to the growing public concern over excess in public space. Eskridge concludes that nineteenth century society was at first entertained, but as the century closed, became more threatened by gender deviance.⁵ Eskridge is correct. Yet he ignores the medical discourse that was the driving factor in this anxiety. By the end of the nineteenth century people identified with the medical profession pathologies and called themselves Uranians, invertes and so on.

Historian Peter Boag agrees that cross-dressing, gay identity, and regulation were all tied to urbanization, industrialization, and social tumult. While he does not discuss regulations directly, he does note that cross-dressing played a role in gender reification. Cross dressers were a threat to gender normativity, and required regulation of their visibility in public spaces. Yet cross dressers could also reinforce the gender binary by conforming to it. Boag notes that the cases of gender transgression are lenses through which to understand gender roles. He argues that history “whitewashed” transgender people by heteronormalizing them in the mythology so much that they have been removed from history.⁶ Boag also understands cross-dressing in the “Foucauldian” idea, that by erasing something we actually draw attention to it. I extend this argument slightly to include Jaques Lacan’s philosophy of “signifier” and “signified.” In this philosophy, we are defined by what we are not. The emerging gender binary of the late nineteenth century, just as the emerging idea of “whiteness,” was contingent upon examples of those who did not fit in. For the gender binary in public spaces the most visible example was cross-dressers.

Clare Sears, an associate professor at San Francisco State, looked at the case of anti-cross dressing laws in San Francisco in 1866. Sears argued that these laws marked who did and did not belong in public space. She also claimed that these laws were part of larger legal framework aimed at regulating citizenship, race, class, and city space. Sears agreed with Boag and Eskridge that the laws were about regulating gender in the public



Outdoor portrait of a group of women dressed as men, 1904-1915
Source: Denver Public Library – Digital Collections

space. However, she extended the argument by looking at the effects upon citizenship and how gender transgressors interacted with the laws. Sears noted that “policing gender hierarchies” through public exclusion of cross-dressing highlighted exaggerated norms of difference. The San Francisco laws revealed larger cultural anxieties about race, class, and gender. The “problem bodies” in the public spaces were also Chinese, maimed or deformed, immigrants, prostitutes, and the destitute.⁷

These laws disciplined public spaces by instilling fear and forcing some cross-dressers to do so only in private.⁸ This restricted cross-dressers from access to public civic discourse, participation, and thus citizenship. The mechanism of marginalization was exclusion from public space, confinement in private space, concealment from public view, and finally, removal from the public space entirely.⁹ Sears maintained that the laws had similar disciplinary effects as dime-freak shows in San Francisco of “policing the boundaries of normative gender.” Yet the spectacted safe space of the freak show

provided a dual utility, it disciplined examples of what not to be through entertainment and provided means of engagement for gender non-conforming people. In as much as freak shows disciplined a vigilant public against gender transgression, they may have provided space for community building for gender transgressors. The private space allowed identity formation while the public changed and shifted.¹⁰

Sears' argument is striking for two reasons. The first is the similarity in legal language and demographic change of Denver and San Francisco. In each case the laws were designed as part of broader legal framework to reform the city, each city was going through similar demographic changes, and the effects were to create community, if not invisibly. The second reason is that Sears' analysis concludes that gender transgressive bodies in the public space were illegal, but bodies in the private, entertainment space were acceptable. Entertainment allowed acceptance and access to that entertainment should be preserved. This explains, for instance, why public regulations were mute on private spaces and why the 1954 regulations in Denver specifically excluded entertainment. Entertainment for others was the safe space for the cross dresser.



Women and men pose on a stage in Rifle (Garfield County), Colorado, 1900
Source: Denver Public Library – Digital Collections

Marjorie Garber, drama and English professor at Harvard, argued that dress codes and customs are millennia old. The second century Han Dynasty in China and the fifth century Roman Empire each outlawed wearing of the Emperor's purple. In Elizabethan and Edwardian England, sumptuary laws governing dress were the first to target what men and women could wear. They were most often aimed at the "lewd, extravagant, and flamboyant," or any "transgressors." The laws were tied to regulation of commerce and urbanization. Such laws reified "women's place" and were tied to the "commercialization of women." Women became status symbols for men. Furthermore, these laws regulated hierarchy and represented social anxieties. While the Elizabethan age celebrated "unisex," Puritan New England a generation later celebrated gender binary; each feared extremes of the opposite.¹¹

Garber argued that transvestites filled a "space of desire" and represented a "categorical crisis" for society. Gender deviance established an uncertainty that needed to be corrected. She said that transgender people could reinforce a gender binary, but also offered up a "space of possibility... confounding culture."¹² In short, transgender people were like a quagmire to gender normativity that some felt needed regulation. In this way, she agreed with Boag, Eskridge, and Sears that anti-cross-dressing laws were about regulating gender normativity.

We can extend Garber's argument to urbanization. D'Emilio tied identity to capitalism and urbanization but his thesis seemed challenged by lack of evidence. Garber noted cross-dressing represented the "primal space" of primitiveness. She argued cross-dressing was about "cultural and societal dislocation" which juxtaposed metaphorically against rapid urbanization represent a tension of civilization versus primitiveness and chaos.¹³

Historians agree that the anti-cross-dressing ordinances were about regulating gender in public spaces. Hart and Eskridge argued that the laws regulating public space were to discipline gender fraud and then gender transgression, while D'Emilio maintained the modern gay identity began after WWII and in urban spaces. While they were regulation of gender deviance itself, the laws were much bigger, broader, and more nuanced as Sears' work shows. The seeds of community may also have been born in the very spaces of oppression. Gender transgressors, as perhaps many other peoples, may have found community in the spaces where they could find people like themselves. As Boag argues, gender transgressors were not simply acted upon, but interacted with gender binaries. Regulations against cross-dressing regulated and civilized public space in times of rapid growth and pit the city against the cross-dresser and homosexual.

Methodologically this paper will look at the context, the laws, and effects the laws had upon public spaces. It is restricted by the fact that personal details of cross-dresser lives are historically limited. It is also limited because Denver does not have criminal or municipal arrest records going that far back or arranged by ordinance violation. However, there are enough incidents, and recent scholarship, to provide brief looks at the effects of these laws. The laws themselves, city council records, and governmental records provide some context. The central question of this paper concerns the origins, effects, and contexts of the anti-cross-dressing laws. This connects to the larger context that law is a reflection of the societal values. How did the law inform society, identity, gender, and public space?

I argue that both laws occurred at times of tremendous demographic pressure and were concerned with establishing a gender binary and heteronormativity. I argue both had criminal and deviant assumptions about transgressors behind their creation, but also drove community formation among the transgressors. I conclude that while the ordinances reflected gender order, they also helped foment seeds of change. Enforcement of the ordinances preserved heteronormative privilege in spaces like entertainment, but they were also selectively enforced. In short, the law reflected changes in a broader cycle of societal change. The cross-dresser reflected who did and did not belong in public space. The cross-dresser, or the transgendered today, are still threatened by laws which are long since dead but whose cultural stigma remains.

"DRESS-NOTS" AND URBANIZATION

Anti-cross-dressing ordinances in the United States first appear in the 1840s in Ohio. Within ten years, they spread to Chicago and other rapidly urbanizing American cities.¹⁴ It is notable that the upper-Ohio river valley and Great Lakes region were both industrializing, building railroads, canals, and developing at a hectic pace. In the broadest sense, regulations of public space are tied to rapid change within that space.



*Three unidentified women pose for a studio portrait. The woman wears a loose fitting jacket with a sailor collar. 1880-1890
Source: Denver Public Library – Digital Collections*

Denver in the 1880s was also a rapidly changing space. Denver was a town becoming a metropolis. Smelters, fine hotels, and red brick buildings dotted the skyline. Trains passed in and out of the new Union Station and streetcars meandered to sparse and lavish neighborhoods.¹⁵ New institutions, government services, public schools, and industries flowered. Denver felt growing pains. It was a highly transient city, which required entertainment in saloons, brothels, and hotels.

Denver, the “Saloon City” with 35,000 people in 1880 and over 100,000 by 1890, at times also had the largest concentration of bars in the US.¹⁶ Tens of thousands of new people and more travelled through the city, pushing new settlers into the newer neighborhoods. The “immigrant saloon” was concentrated in the center of the city,

while newer, cleaner mansions moved to outlying neighborhoods.¹⁷ This created a class tension between working class on the outside and poor on the inside.

Yet the saloon was more than just a place to drink. The saloon was a political space. City bosses ran campaigns out of bars; legislators met in bars, and bar owners even developed their own lobby.¹⁸ “Saloon government” battled with reformers like the Women’s Christian Temperance Union (WCTU) and the Social Gospelists like Thomas Mozzell. In the 1880s, moral reformers began pushing for tougher zoning laws to control where, when, and how bars could operate. Working class people found common cause to keep immigrants and their saloons bound in the inner city.¹⁹ This created a saloon-reformer tension in which the “dry reformer” ultimately won when Colorado passed prohibition in 1916.²⁰ This tension illustrates but one aspect of the labor, ethnic and economic tensions. The “demi-monde” of the underworld reveals others.

Prostitution and bars went hand in hand during this period. City ordinances dating from this period excluded women from working in bars as waiters, keepers, or employees. Life for prostitutes was brutish, hard, and sometimes short. Many committed suicide, died of drug overdose or liquor poisoning, or were killed. Bosses like Jefferson “Soapy” Smith or “Big Bill” Haywood controlled vice and gambling, and masculine dress and attitude was expected. Some dance halls provided non-commercial, hetero-social spaces,

though they became subject to special licensing and police matrons.²¹ This created a space where men had privileged access to women. Special laws and requirements denote that anything that diverged from hegemonic masculinity or male privilege was unacceptable and criminal. There were many other areas where this privilege and hegemonic “western” masculinity had consequences.

Masculinity was especially constructed around the home. “Man’s duty to his home” wrote Reverend J.D. Rankin of United Presbyterian Church. Rankin argued that when a man deviated from his home it led to vice, especially in saloons. A father’s absence encouraged children to seek entertainment in theaters and dance halls, while wives and women became debaucherous. Rankin noted that all of this effected nationality as the home was the foundation of the nation. Good fatherhood meant good nationhood.²² As the nation’s frontier closed, western masculinity transformed into a nationalist masculinity, and those who did not fit this gendered ideal were easy to pick out.

Chinese men were subject to special scrutiny. Denver had an anti-Chinese riot in 1882, and during this period, opium dens were outlawed.²³ An article published in 1886 profiled a “Chinese Chop House” noting that several hundred “Chinamen” in Denver who were not gainfully employed in some service job or laundry house, found shelter in a “chop house” or Chinese restaurant.²⁴ Another article pointed out how happy a few “Christian Chinese” were entertaining their Christian friends at dinner though they were a strange spectacle to behold.²⁵ The problem facing Denver was how to integrate a new and often despised culture. Entertainment and service provided acceptable spaces as Christianity provided a means of integration, just as effeminization reified racial hierarchy by making Chinese men seem weak.

Sex was a different matter. Reformers of this time looked upon sex with an especially harsh light. It was already illegal in 1885 for newspapers to depict a woman in the nude, possession of such a photo was illegal, and it was illegal for a man to take any woman of an “unchaste” reputation into a bar.²⁶ “Unspeakable” or “unnatural” crimes like the abuse of a younger boy by an older man were considered especially heinous.²⁷ Reformers railed against vice and corruption on a regular basis. One pastor called Denver a “modern Sodom and Gomorrah” as vice “killed the youth.”²⁸ Youth and regulation became a public concern with the rise of dance halls and entertainment. Ordinances dealing with underage drinking, youth in bars, and curfews originated in this period.²⁹ A “crisis” of concern about the bodies of youth was present in both periods. Metaphorically, this crisis was tied to anxieties about



Anti-Chinese riot on a street in Denver, Colorado, 1880-1890
Source: Denver Public Library

the future of masculinity; if the bodies of youth were corrupted, national masculinity might fall apart. This anxiety was not limited to youth.

Denver also created ordinances regulating public space for the able-bodied.³⁰ So called “deformed persons” ordinances were on the books until the early twentieth century. A disabled or different person could be arrested, taken to a poorhouse, or forced to pay a fine. According to Sears, these ordinances targeted homeless, indigent and beggars. It is possible the ordinance was intended to give care to indigent people. Yet over a century of policies of housing the disabled led Larry Ruiz and other disabled people to demand access to public space in 1978 via RTD.³¹ This shows the multitude of ways Denver tried to regulate public space along race, sex, and able-bodiedness.

Accounts of gender deviance abound in the old west. Peter Boag’s book *Redressing America’s Frontier Past* does an excellent job giving agency and voice to an often-ignored group. Boag contends that through the lenses of the cross-dresser we can see the heterosexualized and racialized past. In looking at how these people viewed themselves, we can see the ways they navigated the contours of nineteenth-century gender.³² Clare Sears argues that laws targeting gender in public determined who “belonged” in public spaces, and that such laws rendered women accessible to male desire as well as created gender-conforming space.³³

Boag identified five instances of gender transgression in Denver during the nineteenth century. The first case in 1883 noted that the police ran in a “Miss Nancy.” Edward Martino was arrested outside the Windsor Hotel for “mashing the hearts of young men.” He was followed around downtown for several blocks before finally being arrested.³⁴ Martino’s arrest shows that he was cavorting with men in bars in an area of Denver which at that time was also home to Chinatown, brothels, and many immigrant bars. The newspaper treats the arrest as a spectacle, as Boag noted because Martino openly flirted with men.³⁵ Being open about gender deviance or sexuality even before the ordinance passed was dangerous.

In a very interesting case in March of 1886, two burglars broke into a Mr. Copeland’s house at 254 South 10th Street, near the present day Auraria Campus. Copeland awoke at 2 a.m. to find the men in “petticoats,” fired his gun, and drove them away.³⁶ It is highly coincidental that this account occurs the same year as the “dress not” ordinance. The Denver City Council minutes did not mention this matter, and there is no direct evidence that this one event informed the decision to pass the anti-cross-dressing ordinance.³⁷ Regardless, this reflects the kind of criminality that was expected of cross-dressers, which is a marked shift from cross-dressers as entertaining spectacles to criminals. Boag concluded that such instances of cross-dressing criminals were used to confuse identity.³⁸ The article on Martino concludes that men dressing as women in public was so infrequent that it must have been for “criminal confusion.”³⁹ Regardless, the consequences of the law are very clear.

In 1895, Joe Gilligan and his partner, the “notorious” criminal Elmer Brown, were arrested on charges of burglary and forgery. Police found out that Gilligan was a man after going to arrest him at his apartment and finding “dresses” and “yachting caps.” The police reported they found a book containing the names of prominent Denver men and

letters of a “tell all” nature. They also reported that Gilligan “was not very manly” and that he wept bitterly after being arrested. Gilligan did not worry about his reputation and found solace in the fact that Denver had others like him. Boag concluded that it shows American thinking changed at the turn of the century to see homosexuals as criminals. Indeed, it shows much more than that. Gilligan had naturalized his internal identity, be it as a homosexual or cross-dresser, and accepted that he had a community to reach out to. Laws helped to reify the identity and may have provided seeds of community identity as well.⁴⁰

If Denver had its own “Oscar Wildism,” it also had public and police scrutiny. Robert Evans came to Denver from Virginia in April of 1897 and was arrested for vagrancy and drunkenness. The arresting officer noted Evans hung out in front of saloons like the Castle Garden, and was called a “female impersonator.” The officer concluded Evans annoyed the patrons while the *Denver Evening Post* article quipped that “he must prove he is not a vagrant.” Evans noted he was not a vagrant, had a steady job at “Mrs. Poole’s,” at 411 21st Street and had people in Virginia. He was fined \$28 and sent to jail.⁴¹ J. B. Winslow, a.k.a. “Blonde Wilson,” was arrested on charges of vagrancy and robbing a man on Market Street. Winslow was caught “masquerading in female attire” and “invited in” to police headquarters by Police Chief Howe. The arresting Detective, Mr. Ustick, said he intended to “run all such people out of town or make them stay in jail.”⁴² Boag concluded that male-to-female cross-dressers may have been so common that they did not warrant much scrutiny, but they were worth an occasional spectacle. Increased police and public scrutiny followed from the law and newspaper accounts.



Women in Men's suits, ties and hats pose in Colorado, 1933
Source: Denver Public Library – Digital Collections

It is not as clear that women in Denver who dressed as men were targeted or arrested for being in public in a dress not belonging to their own sex, yet Colorado has several cases. Boag noted that women cross-dressed for many reasons. Some did it for suffrage, others for jobs, some for adventure, and some to camouflage a criminal identity. Some women even dressed as men to advertise as prostitutes cheaply and newspapers often made the incident into a spectacle. There was a greater focus in the discourse about these women as criminals or mentally unstable by the turn of the twentieth century. Yet cross-dressing was tied deeply to a new sexuality that connoted one's gender.⁴³

The first Colorado case appeared in dime novel accounts of “Mountain Charley.” There are several different accounts, names, and background details. The legends talk about a woman who seeks vengeance against a man. In one case, he kills her husband; in another her husband abandons her. In the various accounts she is forced to dress as a man to get work, makes a fortune, ends up in Denver as

part of the 1859 Gold Rush, then returns to where she came from either remarried or happily settled. In any case, she gets revenge, fortune, fame, and the legend serves as a cautionary tale or example of alternative lifestyle. George West published a serialized account of her life in his newspaper *Golden (Colorado) Transcript* in 1885, the year before cross-dressing became illegal in Denver. West's account is an adventure-progress narrative that effectively mythologizing women who dressed as men out of necessity for work. More factual accounts are somewhat varied, but "Mountain Charley" was likely based on a real person.⁴⁴

In 1905, Charlie or Katherine "Frenchy" Vosbaugh was hospitalized after a bout with pneumonia. Doctors there discovered his "real" sex. By some accounts, Frenchy was from a well-educated family in France, served as a cook, ranch hand, and lived with a wife in Trinidad, Colorado. He and his wife opened a restaurant and lived peaceably for many years. He received support from the family where he worked, and the nuns at St. Raphael Hospital where he lived out the last two years of his life dubbed him "grandpa." He was reportedly buried in his overalls by his wishes, and attended at his funeral by two nuns and two "strange women."⁴⁵ Boag argues that Vosbaugh may have been a rare case of a well-adjusted and well-accepted transgendered person. Vosbaugh appears to have been accepted and integrated into his community, whether by masquerade or anonymity. Trinidad was a smaller, rural town, perhaps where there were lower tensions over gender in public space. Vosbaugh may also have had a masculine privilege to "pass" because he was foreign and Caucasian. People may have looked the other way. Yet there is one case where a woman ran into trouble for displaying as a man and a pursuing a same-sex lover.

John Hill or Helen Fisher bought a homestead in Denver under his "female name," but posed as a man in Fort Morgan. Upon travelling to Denver as John Hill to verify his claim, he had to slip into female dress to pass as Helen Fisher. This startled his companions. Hill justified his action by noting dressing as a man was the only thing a woman could do for work. Hill reportedly ended up in Meeker, Colorado, hundreds of miles away from Fort Morgan a year later. There he courted a young German waitress whose brother became suspicious of Hill and had him brought up on charges of impersonating a man by the local judge. Boag noted the harsh language the local news editor took regarding Hill's gender transgression. What became of Hill or the trial is uncertain. It is notable that Hill moved so far after living on his homestead of fifteen years in Fort Morgan, which suggests he might have been forced out after being discovered to be a woman. His negative and harsh reception in the press reflects the changed narrative more common of women who dressed as men after the so-called "closing of the frontier" in 1893.⁴⁶ It is after this period that the acceptability of women dressing as men for work passed, and such women were mythologized and heteronormalized.

Boag concluded that all of these examples of men and women cross-dressers show multitude meaning behind their reasons and positive and negative receptions. Each story reads as a cautionary tale, an example of what not to do in public spaces. These narratives reinforced the gender binary and reified gender norms. It is also likely, as indicated by Joe Gilligan, there was a community of people like himself lumped together under one umbrella of "sexual and gender others" who found a critical mass in urban spaces like

Denver. It seems likely the 1886 ordinance was statewide by 1912, inspired by criminality as in Mr. Copeland's case, yet so much remains uncertain.

What is certain is that the laws remained in response to people who were there, and reflected the seeds of an emergent identity – the sexual invert or homosexual. Laws punished gender non-conforming people in public spaces and pushed them into private ones, often in entertainment. Joe Gilligan was involved with musicians, Martino cavorted and entertained near the Windsor Hotel, and Robert Evans apparently entertained. John Hill/Helen Fisher and Ed Martino both got in trouble for publicly pursuing members of the same sex. Still many accounts viewed gender transgression in league with criminality, thus with overtones of danger. To be different was dangerous, criminal, mentally ill, and deviant.

"PANTY RAIDS" CHANGING TIMES IN 1954

In 1954, Denver experienced a quiet, post-WWII boom. It was wrapped in military bases, federal funding, and a growing population. Yet the growth was slower than in 1886. Denver grew from about 300,000 in 1940 to 500,000 by 1960. Tourism, healthcare, government services, and manufacturing expanded, though land speculation tapered off. Towards the end of the 1950s, Denver's population boomed with expanding suburbs, highways, and airports. Economically it was a period of "quiet conservatism" as Denver's lenders spent cautiously, and aging aristocratic settler families slowly greyed and died. By 1954 holiday shopping advertisements, articles, and businesses showed prosperity from the banking boom. The same month the 1954 ordinance was passed one newspaper commented that Denver had never seen so much wealth.⁴⁷ Economic prosperity stemmed from political change, but was not always equal. The year 1947 saw a regime change with the passing of old-guard Mayor Stapleton to reform-minded Quigg Newton. During his term from 1948 to 1954, Newton centralized, reformed, streamlined, and made city government more accountable. High-rises loomed in the future as Denver's skyline grew vertically.⁴⁸ Diversity followed growth.

The city's black population doubled, though concentration in the Five Points neighborhood meant overcrowding in schools and houses. Yet while Denver had an early anti-discrimination policy for public space in 1895, and passed the first anti-discrimination law in housing in 1957, enforcement by authorities was selective. Dani Newsum noted that there was plenty of discrimination and authorities seemed indifferent at times.⁴⁹ Yet there were wider economic opportunities for minorities with an expanding business environment. There was a smoldering anti-Semitism and anti-Catholicism. Denverite Bert Keating was ridiculed in press circles during his 1954 mayoral candidate run for being in league with the pope. There was segregation in education that laid the seeds for bussing battles in the 1970s and "white flight" to the suburbs. Yet from 1959 to 1965, racial anti-discrimination laws tightened with the passages of civil rights acts and issuance of new Supreme Court decisions. Denver also elected its first Black City Councilman, Elvin Caldwell, who played a critical role in the gay rights struggles of the 1970s and helped end the anti-cross-dressing ordinance and other anti-gay laws.⁵⁰

Newspaper accounts from 1954 shed contextual light on the “fractured city” as Tom Noel called Denver in this period. In terms of infrastructure, Denver was described as a dirty, backwards place, where roving dogs and trash had lease, and city streets were not regularly repaired.⁵¹ It was not necessarily the “red brick city” of Jack Kerouac’s remembrance of his 1948 journey across the country. Denver expanded everywhere for water, land, new reservoirs, and commercial space. The first talk of the “Denver Design District” at Alameda and Broadway began.⁵² Development of new water works like the Vasquez Pipe and completion of the Gross Dam went forward, while new water rights to sources like the Blue River went through.⁵³

There was also increased scrutiny of children, parental responsibility, and marriage. One article noted harsher laws for fathers who deserted their children, while a censorship panic banned “graphic comic books” in Trinidad and Canyon City, and Denver was one of the “divorce capitals” of the country.⁵⁴ Yet Denver was also wrapped in a crime wave in which police, city officials, and criminals were implicated.⁵⁵ Crime reports from this period indicate growing concern about post-WWII resurgence in property, violence, and sexual crimes. Regional drops in crime during WWII were due to stricter police enforcement, which drove out vice and gambling, for instance, and “cleaned up” areas around military bases with the support of the American Social Hygiene Association (ASHA) and military programs aimed at stopping the spread of venereal disease.⁵⁶

FBI reports revealed an increase in organized crime after 1950 that prompted a statewide crisis and the creation of the “Little Kelvauer Commission” to tackle crime. The commission found that Denver vices like drugs, gambling, and prostitution had returned to areas and consequently violent murders and property crimes went up. The police themselves from chief to beat cop were caught in robbery rings. Graft and corruption were as much a concern as violence and vice. Crackdowns and busts caused crime rates to fluctuate while fears of a “crime invasion” ebbed and flowed in the press.⁵⁷ One account in particular notes that federal money had evaporated because Denver was ridden with crime by 1961.⁵⁸

Each of these examples clearly shows a fragmented city in terms of infrastructure, economics, demographics, and crime that touched anxieties about family, criminality, race, and more. In this way, 1954 Denver was similar to 1886 Denver even if changing more slowly. They also reveal government economic pressure to clean up and crack down on crime. In December 1954, McCarthy was censured, yet the State Department purges of homosexuals were still ongoing. William Eskridge notes a similar, though more extreme crisis, in Miami at the same time. From in 1953 to 1956 the Johns Committee targeted “effeminate” men who were a threat to children, resulting in ordinances making it a crime for female impersonators to perform, homosexuals to congregate, or anyone to cross-dress.⁵⁹

Keith Moore noted in a chapter of his UC Denver History MA thesis that post-WWII the Denver Moral Board cracked down on prostitutes, driving them into public spaces, and that City Councilmen feared this. He also noted an increased discourse on homosexuality after WWII in newspapers that attempted to define and recognize

the community. Moore notes that the community was clearly visible in public spaces like parks along Broadway and Colfax and around “Sodomy Circle” near the Colorado State Capitol. He also noted increased crime against gays from 1950 to 1953, and that the police force investigated their reports. Local psychiatrists challenged laws like the 1953 Colorado Psychopath Law that criminalized homosexuality and provided for indefinite institutionalization of homosexuals. This may explain the presence of Richard C. Matthews, a local analytical psychologist, at the 1954 Denver City Council hearing banning the dressing of men as women in public spaces. Moore noted that the Psychopathy Law was criticized by Denver Judge Albert T. Frantz. He also mentioned the case of Ray Hawkins who was tried and convicted under these laws. These laws represented Denver’s growing concern over sexuality. Moore concluded that police enforcement of these laws was not harsh, and that regulating public sexuality was ineffective.⁶⁰

The Denver City Council Records show that the committee meetings for this period were concerned primarily with zoning. Nine of ten bills considered on December 27, 1954, the night the ordinance was changed, concerned zoning, some of them for the Denver Design District. Council Bill 319 was introduced on December 10, 1954 by Councilmen Harrington, Fresquez, and Holland. Council minutes show the bill was introduced as an update to the code simply prohibiting men from dressing as women. It was referred to Fire, Police, and Excise committee for review and passed out of committee 8-0. It also was passed unanimously by the full council two weeks later and became law in 1955.⁶¹

Given Moore’s work, it is not hard to see why the ordinance was changed. It was targeted at the homosexual community. Given police ineffectiveness at regulating sexuality in the public space, this seems just another tool for them to use. It gave police an excuse for attacking effeminate men for gender difference. There is one example of arrests under this ordinance in February of 1965 where six men were arrested at the Gilded Cage on Halloween on charges of “parading around in women’s clothes.” The unnamed author of the newspaper account noted that if laws against homosexuality could not be enforced, then the city should ensure the Denver gay community was “contained and restricted.” According to Brent D. Everett, local gay historian, police used the anti-cross-dressing ordinance to capture men in drag on the street, and to send police to Denver bars in sting operations throughout the 1960s. One source noted that if the gay bars closed, gays would be driven into the streets.⁶²

Regardless, the laws changed slightly from 1886 to 1974. The lewdness and vagrancy laws had dropped references to opium dens by 1911 and maimed person laws by the 1930s. Yet many of the vagrancy, lewdness, and obscenity laws remained unchanged. Denver Municipal Code books in 1898, 1927, and 1958 show the slow peeling off of the restrictive laws of 1886. State laws and city ordinances continued to reflect national trends with the passage of state miscegenation laws in the 1930s, as Dani Newsum noted, or psychopathy laws in the 1950s, as Keith Moore noted. Some laws were progressive like the anti-discrimination laws, yet as demonstrated throughout this paper, those laws were selectively applied at all levels.⁶³

The cross-dressing ordinances died across the country in 1975 with *City of Columbus v. Rogers*,⁶⁴ and in Denver with the success of the Denver Gay Coalition (DGC). In fact, at the City Council meeting in November 1973 when the DGC confronted the City Council for change and action on a spate of arrests and decades of harassment, Elvin Caldwell, and Irving Hook, the first Denver Jewish Councilman, became staunch allies. Hook himself admitted that the anti-cross-dressing law made no sense because men and women were dressing alike, echoing Robert Matthews in 1954.⁶⁵ Yet five years later at least one male, cross-dressing prostitute, Irene De Soto, was murdered by a cop who claimed he thought she was a “real woman,” and another trans girl Angie Zapata was murdered in 2008 because she came out to her boyfriend.⁶⁶ Fear, loathing, and ignorance are powerful legacies of long dead laws, yet in both De Soto and Zapata’s cases, the LGBT community rallied for change.

If the legacy of the law is a cultural imprint of transphobia and a scrutinizing public, so too, is the community built within spaces of tragedy and oppression. If the gays were driven into the streets or into gay bars, and thus united in their persecution by police, their identity was secured in these same spaces. If the only space society allowed was in entertainment, like the 1954 “panty raid” law suggests, or in access to sexual availability through prostitution, it is likely transgender people found comradery there. By 1967, Denver had the Drag Queen group “International Court of the Rocky Mountain Empire” (ICRME). By the 1980s, Denver had Dykes on Bikes, and the Gender Identity Center (GIC). Gender difference was overcome by community identity. Today there is still discrimination and community response to laws but for the first time, there is a police liaison with transgendered people.

This paper has shown that changes in gender in the public space have had lasting effects on the LGBT identity. Entertainment as a safe space, community reformation in spaces, identities formed around oppression, and a legacy of scrutiny for gender deviance in public spaces remain. In each case, anti-cross-dressing laws, and laws tied to regulation of public space, have been tied to social pressures caused by rapid demographic change and urbanization. Gender norms and gender binary were reified by a disciplined, scrutinizing public. Through the spectacle of cross-dressing and gender non-conforming people, we can see the contours of race, class, and their intersection with gender. The 1886 laws targeted gender deviance, but the 1954 laws targeted sexual deviance. The laws drew identity formation through persecution in the twentieth century. It remains unclear what community may have formed due to the 1886 laws. Finally, the clear legacy of these laws, and those like them, is a public that pathologizes, misunderstands, and despises transgender people.

The legacy with which to wrestle now is how to remove attributions of criminality, deviance, distrust, and pathology from gender non-conforming people. It is a similar legacy to homosexuality but still so understudied and misunderstood as to warrant another chapter in the civil rights movement and certainly in activist history.

In March of 1915, nineteen-year-old Norman Edward William Woodford, an audit clerk from Hornsey in the north part of London, appealed his call to active duty in World War I at Hornsey's local Military Tribunal. The papers about his case are in the recently digitized collection of the WWI Middlesex Appeal Tribunal, where over 11,000 documents recording appeal cases, local tribunal cases that led to appeal, and some case documents from the Central Tribunal, are preserved for posterity. After the war, the

Why Thou Shalt Not Kill:

Wartime Expediency in the Judgment and Justification of Conscientious Objection Cases at the WWI Middlesex Service Tribunals

by Dart Sebastiani

British government ordered local government boards to destroy nearly all the records of local and county service tribunals, and archived only the Middlesex records and documents from one Scottish Tribunal.¹ The Middlesex documents include cases of exemption from military service on grounds of medical, family, hardship and conscientious objection, as well as for economic grounds, including to continue operating a business or because the work carried the possibility of being materially important to the war effort. In his appeal, Norman Woodford requested option “[f]: On the ground of a conscientious objection to the undertaking of combatant service.” Under it he scrawled in pen “objection to any service.” In the form’s section for the “Nature of application,” where applicants could request absolute, conditional, or temporary exemptions, Woodford wrote in bold letters “absolute exemption.”² He wanted an exemption from service that maintained the same civil

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status he held prior to England's mandatory military service law. However, in facing the Tribunal at the very start of the draft, Woodford entered his plea without knowing that Tribunals never allowed conscientious objectors absolute exemptions from service.

In the few inches of space given on the form for written testimony, Woodford wrote his reason for conscientious objection: "I am a Christian and a follower of the Lord Jesus Christ and according to His word I am forbidden to engage in or have anything to do with war, or any service connected with it." As if by reflex, the local Tribunal quickly ruled against Woodford's conscientious objection, and directed him to arrange for immediate military service. Despite his forthright religious explanation for requesting exemption, the magistrate of the Tribunal "considered this applicant too young to have formed any definite opinions and that his answers gave evidence of his having been coached." The court outright dismissed Woodford's case even though Woodford had included as evidence a letter from his pastor corroborating his convictions. Without any precedence, and without any reference to the law, the Local Tribunal decided Woodford's case based on his age. No other cases in the Middlesex records show the court taking the same exception to other conscientious objectors, but the Tribunals found plenty of other ways to rule against the validity of other conscientious objector claims, regardless of the details of the case or the spirit of the law.³

Unsatisfied with the Local Tribunal ruling, Woodford appealed to the Middlesex Service Tribunal, where the judges partially accepted his objection and awarded him a conditional exemption: that as a conscientious objector he must still join the military, but he would be allowed the option to serve in a non-combat role. Still unsatisfied with the ruling, Woodford appealed to the Central Tribunal, but it refused to grant leave to appeal the case. The Middlesex ruling stood.⁴ Woodford discovered, like the rest of the men who tried to retain their private civilian status through a conscientious objection exemption, that the Tribunals barred conscientious objectors from a total exemption from service during WWI. The Middlesex Tribunal archive contains hundreds of cases like Woodford's, where men sought absolute exemptions only to find themselves press-ganged into army service by volunteer, amateur judges. While the Tribunals allowed for a non-combatant exemption for some of these men, they still found themselves in France, at the front, and in the thick of bloodiest war in modern times. Only men like Norman Woodford, who resisted his Local Tribunal's ruling, show up in the case files at Middlesex. An unknown number of men appealed on conscientious objector grounds, lost their case at the Local Tribunal and went to the front in France as regular combat troops because they never appealed to Middlesex.

Though many of Woodford's fellow objectors also referenced religious considerations in their testimonies, just as many objectors sought exemption because they accepted the simple faith that killing is wrong.⁵ While some conscientious objectors (C.O.s) found their pacifist inspiration in anarchist, syndicalist, and Marxist ideas, many more C.O.s sought exemption because of a generalized aversion to giving up the everyday liberties taken for granted during peacetime. The records of the applications in the Middlesex collection demonstrate that many C.O.s made appeals not to promote religious convictions, but rather to guarantee the same freedoms they enjoyed before the war. Objectors



Friends Ambulance Service, c1914
Creator: Friends Ambulance Service
Source: http://strongrooms53.rssing.com/chan-4602997/all_p3.html

in the Middlesex records sought first and foremost an absolute exemption, followed by not non-combatant service, and less often, work with the Society of Friends Ambulance Corps. If given no other choices, they settled for these compromises, but their objectives at the Tribunals focused on preserving their lives as if conscription had never occurred. Scholars of conscientious objection sidestep the role of self-preservation in wartime exemption, focusing more attention on the small numbers of men whose primary concerns were, in fact, political or religious.

Since these political and religious pacifists left the largest written record, historians internalized the same assumptions about what constituted legitimate categories of defiance, as well the kinds of people and kinds of reasons that formed the most relevant resistance to WWI military service in England. All the major works on the subject focus on organizations like the No-Conscription Fellowship, the Union of Democratic Control, labor leaders, unions, churches, and suffrage organizations, or important anti-war figures like Charles Trevelyan, Ramsay MacDonald, Norman Angell, Bertrand Russell, Lytton Strachey, Keir Hardie, Clifford Allen, Fenner Brockway, and Siegfried Sassoon.⁶ While these philosophers, writers, and heroic draft-evaders make up part of the story, this focus misses a broader, if less romantic, source of war resistance better conceived of as “draft avoidance.” English draft avoiders existed in substantial numbers changing the way the Tribunals worked and greatly restricting England’s ability to win the war. Historian Martin Ceadel recognized the historiographical challenges inherent in studying pacifism, as it exists much more as a predilection against war than as an intelligible philosophy. However, by devoting so much of his research to explicating the contradictions inherent

in the pacifist movement, Ceadel, like other historians, failed to recognize the politically empty forms of resistance to serving in WWI. The draft avoiders, so-called “cowards and shirkers,” the men who avoided war not on principle, but because of expediency, constitute a more numerically significant form of protest to mandatory service in WWI.⁷ Draft avoidance deserves attention, not only because of its relative size and impact, but because it helps explain the presumed disappearance of politically motivated resistance during the war that historians like Ceadel pose as a continuing mystery. Primarily, historians have overlooked the plebeian reaction to conscription because it expressed itself under different pressures and with different goals.⁸

Of course, in the sense that committed C.O.s and pacifists endured heaps of official and unofficial abuses, historians often took note of the bravery it took C.O.s to follow their consciences.⁹ However, common Englishman objected to service because of its inherent violence and devastating psychological consequences. The way that conscription risked relationships, businesses, and plans for the future, the same kinds of private considerations that make compulsory service almost universally absent and unpopular today, motivated the common Englishman to pursue the most effective path to avoid service. Once men who might otherwise have claimed conscientious objection understood the temper of the courts and the unlikelihood of exemption on conscientious grounds, they elected for other strategies more likely to succeed. In the first six months of the Service Act, the Tribunals heard more than 750,000 cases from all categories of exemption. From March 16, 1915 until the end of the war, a mere 16,000 men became conscientious objectors. Significantly, many of the conscientious objectors in non-combat roles died on the front line just like regular combat troops.¹⁰ A *Telegraph* article in May 2014 expresses



Conscientious Objectors at Dyce Camp (a quarry works near Aberdeen), October 1916

Source: Collection of Conscientious Objector Howard Marten. Reference GB 0206 Liddle Collection CO 061

the common view that conscientious objection numbers accurately reflect the quantity of opposition to participating in the war. *The Telegraph* asserted: "Opposition to the war was a minority view held and acted upon by less than half of one percent of eligible men."¹¹ Although a definitive count of men who took other exemptions, like medical, work, or hardship, that stood in many cases for what otherwise would have been conscientious objection, cannot be determined, a significant number of men evaded the draft in just this way. Englishmen in vast numbers used other Service Act exemptions to resist the call to serve. Wartime pressure drove the Tribunals to operate like kangaroo courts when judging conscientious objection, but in other categories of exemption, such as work of national importance, wartime expediency motivated the Tribunals to act impartially, often sympathetically. This created the opportunity for many conscientious objectors to camouflage their goal of non-participation in medical, family and work exemptions. Erstwhile conscientious objectors acted expediently in the face of hostile Tribunals and conscientious objection went underground.

THE UNPOPULARITY OF CONSCRIPTION, AND THE BIAS OF THE TRIBUNALS

The fact that men actually needed to be conscripted into the military at all reveals the baseline unpopularity of WWI military service in England. Needing to fight a new kind of war that depended upon the sacrifice of millions of men in a war of attrition, the English government moved to transform the basic relationship between Englishmen and their state. The categories and procedures by which Norman Woodford expressed his conscience, and by which his judges decided his fate, emerged from a hastily written law filled with vague intentions and ambiguous meanings. Passed in January 1916, the Military Service Act commanded all unmarried men between the ages of 18 and 41 to register with the army and serve for as long as the country needed them. A second act passed in May 1916 extended mandatory service to married men as well. The novelty of the law, the first of its kind in English history, unquestionably led to some of the problems. Historian John Rae pointed out in his book *Conscience and Politics* that no Englishman living in 1916 ever experienced the raising of an army through compulsion, and neither had their fathers or grandfathers.¹² Herbert Asquith, the Prime Minister during the first half of the war, and under whose leadership conscription became law, wrote that until the midpoint of the war, proposing conscription in England would "have split the Cabinet, split the House of Commons, split both political parties, and split the nation..."¹³ Neither Asquith, nor Norman Woodford, nor the millions of other men touched by compulsory service, predicted the upending of their basic understanding of what constituted a normal relationship with the state.

Given the popular will against conscription, the law only came to England incrementally, and from a split coalition cabinet with a weak Prime Minister. John Rae's account of how conscription became law not only substantiates Asquith's earlier view of the contentiousness of the issue, but also shows that despite becoming law, conscription continued to split the nation before and after the Service Acts.¹⁴ For men like Norman Woodford, conscription happened to them. Conservatives in parliament and in the cabinet argued that insufficient numbers of men had volunteered, and that men like

Woodford needed compulsion to convince them of their duty.¹⁵ Popular will never called for conscription, and the law only passed incrementally, through a shrewd series of tests that moved the debate forward without ever putting the question to a vote. Nonetheless, conscription under penalty introduced a new variable into questions of conscience, setting rules and categories about how Englishmen channeled their consciences into actions. Someone like Norman Woodford, entering the draft at the very beginning, faced the conscientious objection process without knowing that pro-war Tribunals would exploit the law's ambiguity to maximize draft numbers and stamp out dissent.

The Tribunal that heard Woodford's case had already reviewed 114 service exemption cases in the first weeks after the Service Act took effect.¹⁶ Tribunals, like the one in Hornsey, relied on volunteer citizen judges. Bertrand Russell, perhaps the period's most well-known voice of anti-conscription, mocked the judicial standards of the Tribunals by conceding that "it would have been asking much of a half a dozen grocers, haberdashers and retired colonels, to rise above the general body of mankind to such a height as to behave with reasonable forbearance."¹⁷ Likewise, Philip Snowden, the future Chancellor of the Exchequer, called out the Tribunal and Appeal courts in his autobiography for being stuffed with military recruiters, ex-soldiers, and conservative party members who spent the years prior to the conscription law lobbying for its creation.¹⁸ The Tribunal system adopted many of the surface features of a civil court, but operated totally outside the normal standards of jurisprudence. Prior to mandatory conscription, the Tribunals acted as a kind of moral recruiting body, becoming law courts only after conscription became law. The Tribunal judges went from recruiters to judges with a stroke a pen.

Additionally, C.O.s like Woodford faced Tribunals made up of officials forced to adjudicate upon a law that, depending upon how it was interpreted, might undo the government's primary goal of raising greater numbers of soldiers. The Tribunal judges were driven not only by politics, but also by necessity to see C.O.s as imminent threats to the war effort. Given the resistance of men to volunteer in the first instance, as well as the Tribunal members' own experience of shaming gun-shy men of military age into volunteering, the Tribunal judges understood better than anyone the broad resistance to army service. After the Tribunals became conscription courts vested with the legal power to deny exemptions based on conscientious objection, they treated conscientious objection as the greatest threat to the provision of sufficient numbers of soldiers. The Tribunals themselves, as shown by their hollowing out of conscientious objection as a viable exemption, perceived these objections as a significant resistance to participation. Wartime expediency demanded a rump conscientious objection provision.

TRIBUNALS ACTING EXPEDIENTLY AND THE EXPEDIENCY OF CLAIMING OTHER EXEMPTIONS TO AVOID MILITARY SERVICE

The evidence that the Tribunals conducted themselves like a kangaroo court extends much further than Norman Woodford's case. The Middlesex Tribunal cache contains hundreds of cases where the courts flouted the basic principles of law and justice, but a limited survey aptly conveys the essence of the Tribunals' record. In order to present the flavor of these proceedings in a way that prevents the charge of cherry picking, an

exposition of a small collection of cases of men named “Stanley” illustrates the generality of Tribunal conduct. From these, the consistency and quality of the Tribunal’s attitude toward C.O.s argues for two vital points. First, that the Tribunals made every attempt to squash dissent by C.O.s., and second, that the terrible treatment of C.O.s in the Tribunals occurred in a way such that other potential C.O.s turned to other exemptions to avoid conscription. The only remaining men who still pursued C.O. status did so out of ignorance or because they never found a sufficiently compelling way to argue for other exemptions.

Nineteen-year-old Stanley Russell from Kensal Rise, a grocer’s assistant, made a C.O. appeal for an absolute exemption to his Local Tribunal. As was typical, the Tribunal awarded Russell the option of serving in the Non-Combatant Corps. The chairman noted that Russell protested non-combatant duty because he thought digging trenches tantamount to regular combat duty. The Tribunal disagreed and outright rejected his appeal. The Middlesex appeals court also offered Russell a place in the Non-Combatant Corps, but refused his request to serve in a non-military medical capacity with the Society of Friends ambulance unit. Russell then appealed to the Central Tribunal where he asked to be allowed to pursue work of national importance, but the Central Tribunal refused to hear his case.¹⁹ Once Russell realized that the Tribunals wholly refused conscientious objectors a chance at non-participation, he attempted to find a way out through a work exemption. Since the Central Tribunal never heard his case, his change in tactics made no difference.

Walter Stanley Fair, 23, a tailor from Kilburn, wrote a long and heartfelt letter to the Local Tribunal that refused his total exemption request. “Your position of today,” he wrote, “is to try and make me take another view (either) by argument (or punishment) and I should say to induce me to think in another light....” He explained that both his brothers entered the army and one had died on the front in France. He included passages from the Bible and an invitation for the court to consider his parents who already lost one son to the war. Finally, Fair asked for an exemption on the grounds that his tailor work contributed materially to the war effort. However, by this request the court supposedly found an “inconsistency” in Fair’s testimony. “It was the feeling” the Tribunal wrote, “that if the appellant’s conscience will permit him to do this, it should not hinder him from taking other non-combatant service....”²⁰ Despite already working in a military capacity as a tailor of army uniforms, the Tribunal went out of its way to punish Fair for his conscientious objection. Another “Stanley,” Stanley Harold Poore, requested an exemption from military service, but the Tribunal thought that Poore’s convictions were not “of sufficiently long standing or so strongly held as to justify them in granting exemption.” He appealed to the Middlesex Tribunal and they only allowed him join the Army Medical Corps.²¹ In every case, the court went out its way to push C.O.s into service.

Stanley Andrews, a dairy farmer, lost his cases at both the Local and the Middlesex Tribunals. Again, the Central Tribunal refused to hear his appeal. Rarely appearing within other appellant documents, a form from Andrews’ Central Tribunal appeal shows the typical way the Central Tribunal handled C.O. cases. The document lists two categories for accepting a leave to appeal at the Central tribunal: (a) Important question of principle involved; and, or, (b) Special reason why appeal should be allowed. The magistrate at the

Central Tribunal indicated “no” for both. Both categories applied to Andrew’s case, but the Central Tribunal never saw an appeal from any objection case. The Central Tribunal gave the lower Tribunals total freedom to judge against C.O.s.

The Local Tribunal dismissed Stanley Andrews’ case because “he had only been a conscientious objector since the war had commenced,” and because he had not expressed his views to any third party witnesses. Interestingly, in this case, the chairman of the Local Tribunal appeared to grant that third party witnesses to conscience could have proven Andrews’ case. Yet, in other cases, a third party witness made no difference in the courts’ decisions. In written testimony, Andrews claimed “the proceedings gave the impression of prejudice on the part of the tribunal, the question of conscience not being mentioned during the whole of the hearing and no attempt being made to seek the genuineness of my convictions.” Andrews also claimed that members of the Tribunal recorded their judgments before he finished his testimony, and that while the clerk read his application, the members were chatting with each other rather than listening to the details of his case.²² Amazingly, several questions of legal principle occurred in this case, but the Central Tribunal still saw no reason for appeal. The Tribunal system kept conscientious objection decisions local and unencumbered by normal procedures of law.

Stanley Mutimer, a motor tractor ploughman, at different times claimed exemptions on both conscientious grounds and on the grounds that he worked in an exempt occupation. Fortunately, for Mutimer, the Tribunal latched onto his testimony on the importance of his work and he stayed out of the war from 1916 to 1918 on an occupational exemption. Late in the war, when the courts began reigning in occupational exemptions in order to increase the numbers of new conscripts, Mutimer tried to assert his conscientious objection. The Local Tribunal chairman said that the court “were not impressed with the sincerity” of the conscientious objection because he never divulged his objector convictions when he initially claimed his occupational exemption. Once again, the court acted with stunning capriciousness when an applicant claimed a conscientious objection. Though the Military Service Act had many ambiguities, nothing in the law prevented a man from claiming conscientious objection after an occupational exemption had expired.²³ The Tribunals simply refused to recognize conscientious objection as a valid reason for staying out of the war.

On the other hand, an exemption application from Stanley Patrick, a 33-year-old married tailor, who claimed serious hardship due to exceptional financial or business obligations or domestic position, as well as an exemption on grounds of poor health, starkly contrasts with the Tribunal’s treatment of conscientious objectors. Unlike the C.O. cases that normally contain ten to fifteen documents, Patrick’s case contains 74 letters and court papers that cover interactions from late 1916 to mid-1918. His document trail disappears after the Middlesex Tribunal arranged for Patrick to work in a munitions factory. Over the course of his Tribunal papers, Patrick used ill health, multiple court adjournments, and difficulties finding qualifying employment in order to remain a civilian. At one point he claimed to have tuberculosis, but the Tribunal sent him to an army doctor who found him healthy and fit to serve. In Patrick’s case, like the cases of the C.O.s, the Local Tribunal repeatedly found his claims to work exemption and ill health

baseless. However, the Middlesex Tribunal treated his overall claim to exemption much differently. Writing to a possible place of employment on Patrick's behalf, The Middlesex Tribunal chairman told the Ponders End Labour Exchange to find work for Patrick, even if meant releasing another man for the Army. As opposed to the previous cases of conscientious objection, this Stanley successfully avoided active duty. His unfitness for combat and his claim of work of national importance appear equally questionable, but unlike conscientious objectors, he stayed out of the war.²⁴

Beyond the "Stanleys," a conscientious objector named Cecil Morsman wrote in protest to the Central Tribunal about the way the Tribunals handled his C.O. case: "the whole question seems to be decided before the appellant appears." Judging the futility of his C.O. claim, Morsman reversed strategy and claimed ill health with the Middlesex Tribunal, but the medical examiner found him fit for duty. He then made a last ditch appeal that his work as a railway clerk amounted to work of national importance. Fortunately for Morsman, another appeal to the Middlesex Tribunal awarded him an exemption on these grounds.²⁵ William Cook, a secretary at the University of London, also claimed a conscientious objection, but, like Morsman, he eventually found immunity from service through a work exemption. The Vice-Chancellor of the University, Alfred Pearce Gould, wrote on Cook's behalf, convincing the Tribunal to demand only that Cook put in extra hours of work at the Y.M.C.A. The work exemption allowed Cook to remain a civilian with minimal obligation to the state.²⁶ Alfred Brown, at his C.O. hearing, gave evidence of his membership with Society of Friends for over eighteen years. Despite his pleas, the court only allowed non-combatant service. When his employer, the Lipton Tea Company, interceded on his behalf and claimed that he was irreplaceable to their business, he received a work exemption and stayed out of the war.²⁷ Arthur Sharman, aged 41, a union carpenter with a socialist explanation for conscientious objection, took, like many exemption applicants, an all-of-the-above approach. He made a conscientious objection appeal based on the international brotherhood of workers and man, but also found ways to put off serving by cycling through applications that ranged from performing work of national importance to claiming medical infirmities (a bad foot and a hunchback). All of these erstwhile pacifists made claims about religion, peace, and the brotherhood of man, but quickly abandoned their compunctions about war when they realized that their only recourse to private life required compromise. Above all, they sought non-participation and retention of their status as civilians. These men, clearly conscientious objectors, never forcefully pushed their claims of conscience, but allowed the Tribunals to give them exemptions without weakening the Tribunals' stance on conscience. Ultimately, expediency for the Tribunals and would-be conscientious objectors concealed the total unwillingness of these men to fight in the war.

Backsliding on the public expression of principle even occurred among prominent pacifists. James Maxton, who later became a leader of the Independent Labour Party, actively organized against the war before being arrested and imprisoned for a year under the anti-sedition laws of the Defense of the Realm Act. After serving his sentence, the Military Service Tribunal called him to attest. Maxton recalls that he gave his grounds for refusing military service, primarily from socialist and humanitarian considerations,

and the disgusted attending Military Representative moved that the military had no need for people like Maxton in the service. Unlike the experience of most C.O.s, the Tribunal gave Maxton an exemption on condition that he find work of national importance. As a radical, and an absolutist against participation in the war, Maxton offered this defense in taking on the compromised exemption:

Work was not difficult to get, but people with my attitude to the war had to find jobs which were not directly assisting the work of slaughter..... I appreciated and understood the attitude of my friends who absolutely declined to do anything, and suffered continuous imprisonment over the whole war period, but it did not suit my philosophy, which demanded active carrying on of class struggle, nor did it suit my temperament to be cribbed, cabined and confined when the urge within me was to be out trying to influence my fellows....²⁸

While Maxton's mention of the ease of finding work of national importance supports the case that many would-be C.O.s easily ducked conscription by claiming work exemptions, his story shares a vital link with all other C.O.s. Though Maxton absolutely opposed the war, and surely spending a full year in prison warranted this designation, his apologetic explanation for taking a 'work of national importance' exemption mainly stresses the fundamental expediency of remaining a civilian. He even felt justified in taking an exemption because he simply disliked imprisonment. Maxton's story, like the others, helps to illustrate the way in which a spectrum of protest and non-participation manifests itself during the war, and the way personal expediency modulates actions and justifications in conscientious objection.

EXPEDIENCY AND THE CRISIS OF MANPOWER

Pulling back from the individuals facing conscription, and the expedient ways they avoided participation, a broader look at England during the war shows that the massive resistance to joining the army became an issue at the highest levels of English government. The fruits of expediency at the many Local Tribunals left its mark on England's ability to furnish enough men to fight the war, but many Englishmen had resisted fighting from the start. During the period of voluntarism, the government relied on wartime propaganda to incite patriotism and a sense of duty to country. Very early in the war, the government recognized that in order to create sufficient voluntarism, Englishmen needed to internalize not only a sense of duty, but also a hatred of Germany. Thus, the government created more than two million propaganda posters, and numerous instances of orchestrated public events to protest against Germany and support the men at arms.²⁹ The government, for its part, quickly arrived at the conclusion that potential recruits needed persuading.³⁰

However, by one of the most important measures, the monthly totals of new recruits, the domestic propaganda campaign failed. In August 1914, 298,923 men volunteered. In the following month, the highest recruitment month of the war, a whopping 462,901

volunteered. By February 1915, voluntary enlistments dropped to a mere 87,896. While the numbers of volunteers for the following months averaged 100,000 per month, numbers were consistently dropping. In December 1915, the final month of the voluntary system, only 55,152 men had volunteered. Men gradually began to understand the savagery of the war and the likelihood of a new conscription law.³¹ In August 1915, Parliament ordered Local Government Board offices to compile the total numbers of available men who had not volunteered for service. The register counted an astounding 2,179,231 qualified single men still available for service.³² Asquith proposed a plan intended to coax these millions of men into service by making their resistance a public issue. Called the Derby Scheme, the plan used volunteer Tribunals, the same bodies of men that eventually judged exemptions after conscription became law, to grill the millions of single, eligible men on their reasons for not volunteering.³³ Undoubtedly, the Tribunals' prejudices of judgment and their gross miscarriages of normal legal processes partly stemmed from their previous role as "moral recruiters." Yet the Derby Scheme, like voluntarism, failed to procure enough troops for the generals. Despite being unpopular amongst his partisan brethren and even amongst members of his own cabinet, Asquith finally proposed a full mandatory conscription law in order to placate the generals and maintain his position as Prime Minister. Wartime expediency ruled at the political level as well.

However, the passing of the Military Service Act actually reduced the total numbers of recruits from the moment it began until the end of the war. Through mid-1917, England struggled to draft more than 40,000 troops per month.³⁴ Historians of conscription and the Service Act cite a simple factor in the reduction of recruitment after the Service Act. Men flocked to employment where they earned a guaranteed exemption from military service.³⁵ A journalist close to General Sir William Robertson thought that in light of the manpower shortage, the government should focus in on curtailing the numbers of men avoiding service through exemptions. He encouraged the government to force "the Board of Trade to revise its lists of reserved occupations, which in my opinion, were killing recruiting," and "second, to make Lloyd George reduce the number of men of military age engaged in munition work." He also added that he thought the P.M. ought "to send a confidential letter to the Tribunals that every man was needed."³⁶ The main debate within the government that focused on the Tribunals after conscription passed centered on the competing claims made by the Munitions Ministry and the War Office over manpower divisions. The War Office believed that millions of suitable soldiers hid out in armament industries and various other occupations that had little importance relative to the need for soldiers. Firms hoarded labor during the war in order to maintain production and profits, which in turn helped to keep millions of men out of the war. The War Office understood that millions of combat-ready men avoided the war through exemptions.

In response, Neville Chamberlain drafted the infamous 'clean cut' theory to cancel all categories of exemption and make every man with an exemption from the Tribunal re-attest under stricter provisions. Chamberlain planned to retain only industrial workers or people with vital skills after insuring their absolute indispensability to a firm. In the eyes of unions and organized labor, the idea sounded like a new civilian conscription

plan and they protested. The push by the government to root out men hiding in protected occupations resulted in the 'May Strikes' putting a temporary end to the government's aggressive attempt to restrict military exemptions.³⁷ But near the end of the war, the government made one last ditch attempt to 'comb out' combat-ready men from protected industries. By that time, however, even industry faced manpower shortages. This final attempt even included the takeover of the Tribunal system that, through exemptions, acted as the primary means for potential soldiers to dodge the war.³⁸

In the end, the Tribunals allowed hundreds of thousands of men to remain civilians. Inadvertently, and in spite of their refusal to grant formal exemptions for conscientious objections, the Tribunal system often acted as a humanizing force in the face of a government always hungry for new men to throw at the war. Unlike Norman Woodford, who put all his faith solely in a conscientious objection appeal, the Tribunal repeatedly helped forty-year-old John Heaney stay out of the war. On top of his conscientious objection for religious reasons, Heaney also used the needs of his dependents, his tubercular wife, his laundry business, and even influence from the bank his laundering business owed money to. The Tribunal never responded to his conscientious objection, but they treated his other exceptions as real issues, and kept him out of the war.³⁹ In this case, as in many others, conscientious objection went underground, and John Heaney never went to war.

Amongst the political changes following the war, platforms that called for ending the hugely unpopular conscription law sat at the top of the list. The Labour party called for the "destruction of all war-time measures in restraint of civil or industrial liberty, [including] the repeal of the Defense of the Realm Act [and] the complete abolition of conscription." Most Englishmen never embraced conscription, but conscientious objection in practice never allowed them a way out of the war. In the context of powerful service Tribunals and a mandatory conscription system, Englishmen made expedient choices in finding other ways out of the war, by becoming draft-avoiders rather than draft-evaders. Conscientious objection went underground, but the aversion to military service always remained visible. In his reelection campaign after the war, Prime Minister David Lloyd George, despite being an aggressive advocate of conscription during the war, advertised for his reelection with posters that read: "Vote for the Prime Minister and No Conscription."⁴⁰

Some historians have viewed the weapons trade with the Indians of the Northeast as a facet of the commercial competition for fur or just a natural evolution in tactics on the part of Native Americans.¹ Those theories do not explain the colonists actively disarming natives, which seems to be part of their general program of conquest. The case of Benjamin Mussey, the second son of a successful Massachusetts yeoman, illustrates this system. After being cheated of his inheritance and harassed constantly by his spiteful elder brother, Joseph, by the spring of 1651 the 18-year-old Benjamin decided to take matters into his own hands in order to provide some stability for himself and his new wife. He went to an unnamed

Disarming the Devil:

Regulation of the Gun Trade as Indian Policy in 17th Century New England

by Elijah Wallace

Indian who was most likely a member of the neighboring Agawam tribe and bartered his late father's firearm and some equipment for a valuable beaver pelt. The local authorities were informed of the transaction, but Mussey refused to confess to it. On July 30, Benjamin was brought before the colonial court's quarterly sitting at Ipswich "for bartering a gun to the Indians, and denying it." He was fined 50s. [equivalent to 500 dollars in today's money] and sentenced "to sit four hours in the stocks; also to pay the Indian his beaver again, or 50s. if in other pay."² Benjamin Mussey had run up against the strict regulations enacted by the colony's government.

By 1651 the Massachusetts Bay Colony's Indian policy allowed only a select few natives to come near English townships, and then only if they were attending church.

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Everything, including furs, had to be traded in town under the control of the joint-stock company, the original financiers of the colony. The punishment for violating this law was left up to the local courts. Every European colony in the Americas enacted similar rules in this era in order to funnel profits back to their proprietors at home and to keep dangerous items out of hands of potential aboriginal adversaries. Yet it is only in New England that such policies had an effect. Few persons were convicted of illegal trade during the period and the region experienced far fewer conflicts between natives and settlers in contrast to the near constant warfare that reigned further south.³ In New England the coercive power of the colonial government of the Puritans extended beyond the immigrant population to the native one. While unsuccessful in remaking them as Christian Englishmen, the colonists were successful in depriving the natives of the one item that might have forestalled their subjugation. In this paper, the development of this policy toward the indigenous population will be traced from the founding of Plymouth (1620) to Metacom's War (1676-78). It will also illustrate the concepts and fears behind the policy that persisted for almost five decades until it collapsed under commercial pressure in the late 1660s.

I. ANTECEDENTS

The idea of a right for every citizen to be armed is new in world history. In the case of the English, the limitations on this privilege had long been set by the Crown and Parliament. The first regulation of firearms came with the act of 1541 that limited the private possession of pistols and crossbows as they could be easily concealed for criminal uses.⁴ The famous jurist Sir William Blackstone plainly stated that the purpose of these repeated prohibitions was the "prevention of popular insurrections and resistance to the government by disarming the bulk of the people." James I, when asked if more of his subjects should own guns so that they might enjoy hunting, exclaimed that it was not prudent "that clowns should have these sports." The intent was to keep gunpowder weapons under the firm monopoly of the elite. Anyone else in possession of them was a criminal and liable to be punished.⁵

II. THE DEVILS IN THE WOODS

Fear drove the Puritans to believe such regulations were necessary. They already saw the native inhabitants as the savage "other," licentious, corrupted, and given over to the will of the Devil. Previous wild tales from the early travelers across the Atlantic filled the minds of the colonists before they set foot in New England, but meeting the natives and living near them did not improve the settlers' opinions. In 1620 soon after landing at Plymouth, William Bradford wrote of an assembly in a "dark and dismal swamp" which lasted for three days by which the Indians meant to raise the devil.⁶ Increase Mather echoed Bradford's concern five decades later when he wrote that "the Heathen People amongst whom we live, and whose Land the Lord God of our Fathers hath given us for a Rightful Possession, have... been Plotting mischievous Devices against that part of the English Israel."⁷ The Puritans saw the epidemics of 1616-19 and 1633-34 as God's



Tribal Territories of Southern New England, November 25, 2008

Creator: Nikater; adapted to English by Hydrargyrum

Source: http://commons.wikimedia.org/wiki/File:Tribal_Territories_Southern_New_England.png

work clearing the land of a physical and spiritual threat. While men like John Elliot hoped that the “upright example of the Puritans” would influence the natives to come out of the darkness into the light of God and civilization, the effort of his missionary programs did not bear any more fruit than his contemporary counterparts in the French and Spanish colonies. Most natives were interested in imported trade goods, not the foreign God or the English mores.

III. PERILOUS COMMERCE (1620-1637)

This fear of the “wild, untamed savage” was doubled by the quick adoption and adaptation of the gun by the natives. The regulation of the weapons trade was an early priority of the colonists. The alleged activity of arming and training of Natives at Merrymont by Thomas Morton and others forced the Pilgrims to petition the Crown in 1622 to take action. King James agreed and responded with “A Proclamation Prohibiting Interloping and Disorderly Trading in America” declaring no one was to trade with the Indians without a license and that any violators would suffer the Crown’s “high indignation.” William Bradford complained in a letter to Fernandino Gorges eight years after the Pilgrims’ arrival that natives were beginning to reject the old trade goods such as copper kettles and knives and demanding ammunition instead. He estimated that local tribes altogether had sixty firearms. Another royal proclamation of similar content to the previous was issued in 1630 for the founding of the Massachusetts Bay Colony.⁸

From the beginning, the Massachusetts Bay Colony took a stricter line against the illegal traders. In 1632, the General Court sentenced one Richard Hopkins to “be severely whipped, and branded with a hot iron on one of his cheeks, for selling pieces and powder and shot to the Indians.”⁹ In 1637, the General Court banned trade with the Indians in weapons and ammunition, any trade outside of the New England townships and repair of any weapon owned by Indian.¹⁰ The nature of the punishment for violating this was determined by the local courts and included “fine or corporall punishment where a fine cannot be had.”

The colonies in New Haven and Connecticut followed suit, but throughout the period there are few court cases and convictions for illegal trading. Historians have supposed that the authorities were unable to catch people in the act. William Bradford complained that the Indians would never tell “[o]f whom they had their guns, or such supply, or, if they do, they will feign some false lie.” Yet, the Puritan colonies never followed the example of the southern colonies by threatening the death penalty. This leniency and the lack of cases brought before the court could point to another source for the increasing armaments of the tribes.

IV. DOMINANCE (1637-1660S)

Early in the century the Dutch had created a lucrative trade network with the natives of the Northeast. Their settlers and traders ignored their own laws applying the death penalty for selling weapons to Indians. They sold muskets for twenty beavers apiece and a pound of gunpowder for ten guilders (about five dollars in today’s money).¹¹ With such a supply available to the natives of the Hudson Valley and the Connecticut river valleys, it is no surprise that the Pequots had at least sixteen firearms in their warriors’ possession by the time of their confrontation with the English. The elimination of the Dutch-favoring Pequots as a major force in the brutal struggle for trade and land in coastal New England left the English colonists as the paramount tribe of the region. The English seized this new dominion, taking over the Pequots’ former trading tributaries as their own with the flow of wampum now going to Boston, Plymouth, and New Haven.

The remaining tribes, most prominently the Narragansett, who had hoped to benefit from the fall of the Pequots, were now left to the mercy of the colonists. When rumors flew about a widespread Narragansett-led conspiracy to oust the English, calls for war were only stopped by seizure of all the armaments (including bows) of the Massachusetts and the Passaconaway. John Winthrop and the General Court then voted against war as it would “provoke God’s displeasure, and blemish our wisdom and integrity before the heathen” if unprovoked.¹² Two years later New England Indians were banned from entering towns except for the express purpose of attending church.¹³ Believing that the traders of the other colonial powers could be the only remaining source for the natives to gain arms, in 1650 foreigners (specifically French and Dutch), and any Englishmen in their service, were banned from commercial activity with the Indians in the English colonies, and if they did dare to do so, any vessel or goods belonging to them was to be seized.¹⁴

These acts did not dispel the siege mentality of men like William Bradford. In the 1650s as part of his history of New England, he wrote of the sliding European monopoly on gunpowder weapons saying:

For these fierce natives, they are now so fill'd
With guns and muskets, and in them so skilled,
As that they may keep the English in awe
And when they please give to them the law;
Thus like madmen we put them in way,
With our own weapons us to kill and slay.¹⁵

With sentiments like this, it is easy to see why the Puritan colonies increased and maintained these laws for three decades. They saw it as a matter of survival against a foe thought to be wily, deceptive, and even evil. However, times changed with the ousting of the Dutch from New York and the growing wealth available to the New England colonies from the British Empire's Atlantic trade. The choice between defending against the heathen and making a profit from the fur trade was so much more difficult for the wary Puritans.

IV. PROFIT OR DEFENSE (1665-1675)

The decision to open trade was a slow process. Changing attitudes came with time. By the 1650s Plymouth settlers pretended to hire local Indians as servants so that they could give them guns and powder to hunt for them. Several petitions were sent to the General Court requesting the legalization of the weapons trade, noting that each sale could be tracked and taxed, and that the existing laws were not stopping anyone from supplying the natives with armaments. The court denied these requests, but allowed Rev. Eliot to buy ammunition for his "Praying Indians" to protect against the Mohawks.¹⁶ Plymouth lifted its ban first in 1665, only to renew it in 1667. The General Court of Massachusetts then revisited the matter, perhaps under pressure from the merchants of Boston, or just to steal a march on her sister-colonies, and declared that licensed traders could legally trade with any Indians "not in hostility with us or any of the English in New England."¹⁷ In 1669 Plymouth, New Haven, and Connecticut legalized the sale of only ammunition, as tensions were growing with the Narragansett and Wampanoags. In 1671, indecisive Plymouth again reversed course and attempted to seize the arms of Metacom's tribe, but the Wampanoags avoided full compliance. By 1674, Plymouth again allowed the sale of powder to natives.

The competition was heating up in the fur trade as the readily accessible sources of beaver were declining. The French trader was seen as willing to "sell his eyes... for beaver" and the English saw a legal gun trade as the only way to trump such an avaricious rival.¹⁸ They often lured the savvy native customer with a better price. At Montreal, a musket cost five beaver pelts and powder three while the English traded similar *fusils* for only two pelts and powder for one.¹⁹ Despite the persistent concerns and rumors of an Indian insurgency coming to wipe out the Puritan commonwealths, the profit motive triumphed for a short time over both fear and reason.

CONCLUSION

Historian Alfred Cave wrote: “Puritan Indian policy from its inception was driven by the conviction that, if the Puritans remained faithful to their covenant with the Almighty, they were destined to replace the Indians as lords of New England.”²⁰ Weapons control was key to this program. The Puritans determined that weapons control would prevent a native military threat to the colonies and transform the native population into willing and defenseless subjects of God and the English crown.²¹ When the great Indian war known as “King Phillip’s War” or “Metacom’s War” broke out in 1676, men like Increase Mather saw New England’s growing commercial and social decadence as the root cause and the war a divine judgment of the settlers’ backsliding. They had neither kept the faith nor expelled the heathen, but instead had armed them.

In the wake of Metacom’s War, both the colonists and natives were left in a weakened condition such that neither believed they could preserve themselves without outside help. The war had proved to the colonists that despite their trade laws, militia readiness, occasional civility to the natives, and the weakness of native population due to epidemics, the well-armed bands of the tribes still had the power to drive them nearly into the sea. New England colonists cried out for greater support from the mother country for the first time. For the Native Americans of New England, it would be the last time they could launch a strike of their own initiative. From then on, all native military movements in New England were auxiliary to the intercontinental struggles of Britain and France. Disarmed, decimated by disease, and displaced from their ancient territories, the Natives could assimilate or remain free by being pawns in the rivalry of the colonial powers.

Seeing such a result one might conclude that if the intention of the Puritan founders was to disarm the native for an easy conquest they failed. Yet it must be considered that only two major wars were fought between the settlers and native. In the first, the Puritans made a preemptive strike on the pretense of avenging murder in order to destroy the strongest tribe of the region before it became well-armed by the Dutch. In the second, although they were ill prepared and slow to learn the ways of frontier warfare, the natives



Engraving depicting attack King Philip's fort, 1676
Source: *Harper's Magazine*



Colonel Benjamin Church, c. 1675
Source: *New York Public Library*

are by that point too few and not well supplied with enough ammunition to sustain an offensive that could result in the ouster of the entrenched Englishmen. The regulations had succeeded in delaying such an attempt, giving more time for the settlers' numbers to increase while disease and intertribal war diminished native populations. The law did not account for the fact that New England did not exist in a vacuum. It was surrounded by rival powers in Quebec and New Amsterdam, fur traders, fishermen, and even English settlers like Benjamin Mussey who would always be willing to do business with the Indian for the sake of profit over any ideology. After Metacom's war, the colonies revived the old laws against any native being armed and even allied with the Mohawks to drive out the remnants of the insurgent tribes. The settler policy had changed permanently from subjugation to destruction.



Salmon fishing, 1607-1677

Print by: Wenceslaus Hollar

Source: Wenceslaus Hollar Digital Collection at the University of Toronto

The exploration of North America introduced Europeans to a bounty of new resources. One of these resources was fish. After hearing sailor's tales, some men made the decision to pack their bags and head to the coasts along the unchartered waters of the New World. Rivedou was a Frenchman who made that decision and eventually opened up a fishery. He believed that the extreme mass of fish was sure to grant him fame and fortune. He packed his bags, hired the best men he could, and made the trek to Acadia to find his wealth. The first year proved to be a harsh realization that owning a fishery was no easy enterprise. Rivedou was plagued by dangerous climate conditions and unmet quotas.

Top of the Food Chain:

Fisheries, Economic Development, and Ecological Decline in Colonial New England

by Charlotte Towle

In *The Description and Natural History of the Coast of North America (Acadia)*, Nicolas Denys, a famous fishery owner in Acadia, wrote that a few winters later, Rivedou's "ship came back early with good provisions and a reinforcement of men" to aid in the sale of cod across the Atlantic to France. Denys wrote that upon his return, Rivedou "had no profit." He had no reimbursement and no money to continue the practices of his fishery. It was harder to build a fortune than the rumors had promised and his lack of success was a result of environmental conditions in the area surrounding his fishery. Eventually his fishery burned down, scorching the last of his dreams, and thrusting him back to Europe a poorer man.¹

Like Rivedou, many men saw both the opportunity and the risk when launching fisheries. Though men like Rivedou definitely contemplated certain trials ahead of them, they

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*Map of New England, 17th century
Created by: Nicolas de Fer*

often did not foresee the battle they would wage against the foreign environment. Initially they had little knowledge about the climate, environment, and the geography. Denys, who became a more successful fishery owner than Rivedou, wrote that profits were “large enough to give a desire to open a sedentary fishery.” In other words, owning a fishery led to substantial fortunes for some, and this wealth was the only motivation needed for these men to travel to a geographically unknown area.

The richness of the land and sea seduced all kinds of men to gamble their fates and fortunes, but a great abundance of fish and wealth went hand in hand with environmental challenges. To build wealth, fishermen had to adapt to new ecological situations by revolutionizing technologies and maintaining consistent fishing methods. Compelled by the challenges of the natural environment, fishermen established improved methods for catching, processing, and exporting fish.²

Environmental history was not recognized or researched widely until the 1980s. Historians since then have made significant claims regarding the environmental impacts surrounding the fishing industry in colonial New England. For example, many historians assert that the effects of overfishing were first recognizing in 1650. Overfishing was a direct result of these early fishery enterprises. Jeremy B. Jackson, a marine ecologist

with expertise in human impact on marine ecosystems, presents an opposing claim. He notes that the aquatic environment had an increased sustainability from 1650 up until the Civil War, due, in part, to Pilgrim ideals similar to those of modern conservation. However, other historians agree that fishermen have left a significant footprint on the environment through their interactions with it. Though colonial environmentalism is studied, it is hard to find compelling narratives of interactions between humans and the environment during this period, particularly in regards to fisheries. This puts historians in an awkward situation, because there is little evidence to piece together large-scale models for ecological decline.³

Fishermen like Rivedou and Denys relocated to the coasts of North America to gamble their fortunes in fishing. However, new methodologies allowed these fishery owners to improve their trade. For individuals such as Denys, success was attained through manipulating the resources around him. This manipulation increased profits, but in turn jumpstarted environmental degradation. Ecological and scientific evidence builds on existing interpretations concerning humans and their harmful footprint on nature. This evidence specifically demonstrates the collective ways in which fisheries of the 1600s ominously initiated environmental decline through overfishing, deforestation, and species invasion in early New England.

THE BATTLE OF THE ELEMENTS

In the 1630, colonial settlements in New England developed a more consistent way of interacting with their physical environment after years of trial and error. Before then, there were indefinite boundaries due to a lack of exact geographical knowledge. When fisheries were first established, fishermen with high hopes had little success, mostly due to climate and environmental factors. Climate patterns in that area caused frequent thunderstorms. These thunderstorms created lightning that sparked fires. Blazes ravaged forests, pushed fish to different coastal locations, and burned down fishery establishments. Traveling several leagues out to sea, fishermen were vulnerable to stormy seas and bitter cold temperatures. Men wore sheepskin aprons for their unofficial fishing garb, and were told to purchase two or more durable aprons to combat the elements. It was hard to stay dry and warm out at sea. Nicolas Denys explained in his account of colonial North America that “[a]ll those who have undertaken that fishery [there] have lost and later ones since have no had better success.” It was an unmerciful business and a risky way of life for men on the coasts. After some time, the fishermen gained the upper hand in the battle with nature due to improved routines developed through observations and practice.⁴

Battling storms and other environmental elements grew simpler around the early 1600s due to consistent procedures on the vessels and new methodologies. In narratives of sailors’ voyages along the New England coast, George Parker Winship described the fish as “so plentiful and so great, as when our Captaine would have set saile, we all desired him to...take to fish a while, because we were so delighted to see them catch so great fish, so fast as the hooke came down.” The bounty of fish swelling the fishing vessels led to the innovation of fishing and preservation methods to increase catch and product export.

Farther south, fishermen discovered that the fishing was better in February through May, whereas up North, it was considered better to fish May through September.⁵ Harriot de Bry, a renaissance man of navigational expertise and language who aided the first settlers along the North American coast, reported “those monethes are most plentiful, and best in season, which wee founde to bee most delicate and pleasaunt meat.” Hooking more of the finest fish meant replacing old fishing tactics with new ones.

THE RISE OF REGIONAL DEFORESTATION

New tactics sparked the rise of regional deforestation. De Bry observed that fishermen were no longer “rowing their boats or els as they are wading in the shallowes.” Larger vessels were designed to hold greater capacities of fish at one time. Denys was thrilled when fishing excursions would return with “as much as thirty, forty, and fifty thousands of cod.” The larger vessels left conventional methods of wading and using long boats in the past. However, large ships crafted to expand fishing quotas were beginning to deplete certain forest regions. For a single large vessel, 2,000 trees were cut down. The fisheries demanded lumber and soon Boston became the center for shipbuilding. Boston had fifteen lumberyards that used surrounding forests to supply the demand for lumber. By the late 1600s, there was a recorded estimate of 440-670 colonist vessels.⁶

Trees were also cut down to create bulkier stations, extra stock rooms, and equally giant harvesting rooms for economical forms of preservation. Oak, pine, and “firre trees fit for masts of ships, some very tall & great” were the woods of choice for sturdy and ably built facilities. In 1698, Nicolas de Fer illustrated a fishery station. There are noticeably more than fifteen towering columns made completely of wood to store fish and house fishermen.⁷ Assembly of these stations took tons of wood from surrounding forests. Deforestation for lumber and fishing production was one of the first indicators of massive ecological degradation resulting from human interaction. Furthermore, deforestation in these colonial regions was so extensive that the climate began to shift.⁸

The creation of these large ships through pervasive logging promised larger fish quotas. More fishermen were hired and fisheries were expected to maintain these quotas in order to guarantee their shares at the end of the season. Commercial fishing in the 1640s baited investors and European countries eager to trade. Growing client lists demanded regular imports of the finest fish, inflating the quotas and making fisheries increasingly busy. Fish from New England’s coasts was of the highest value. Henry S. Burrage, an early traveler on an exploration vessel, noted how the excellence of North American cod “alone draweth many nations thither, and is become the most famous fishing of the world.” Thomas Morton, a European settler in North America, described the species as “much fatter than those that are brought into England from other parts, in so much as by reason on their fatnesse.” Overall quality in the hefty shipments appealed to buyers, pressuring fisheries to supply more. Methods developed for catching a higher load on a single excursion. Fishing made a smooth transition from seasonal inland fishing to offshore year round excursions by the increased sizes of housing structures and vessels.⁹



New England Early Took the Lead in Building Ships, 1902

Illustrated by Ray Brown

Source: "American Merchant Ships and Sailors" by Willis J. Abbot, Project Gutenberg

SURVIVAL OF THE FITTEST: BUSINESSMEN VS. FISH SPECIES

All of these factors began to make cod scarce. From 1578 to 1750, 250,000 tons of fish were exported from New England fisheries. The measure of British caught fish in Atlantic seas usually reached 12,000 tons. Buyers and consumers alike were pleased. Competition with France and England motivated the dispatch of vessels farther out to sea, expanding their radius and interrupting communities of fish and other marine organisms. By sending vessels farther, greater varieties of fish were added to the menu. Fish were readily available and affordable, appealing to people from all social standings. The average person in Europe consumed 9.4 portions per year out of 376 million portions sold to the market. The average diet regularly included cod and other marine species such as herring and shellfish. Fish was also used as fertilizer for agricultural purposes, creating a new sphere of demand all over New England and in Europe. Oil was mostly mass-produced by whaling companies, but cod, herring, and other remains of fish could be used to supplement oil supplies for distribution.¹⁰

Fishermen have come to understand that cod are a generally territorial species, so for these fish to migrate to various locations was, and remains, uncommon. Cod normally return to their location of origin to spawn. Year round fishing disrupted spawning patterns. High demand fishing also disrupted migratory patterns depleting populations and interchanging different cod stocks. Recognition of the depletion did not occur until stocks started to become obviously low. North Atlantic cod in the colonial era would reach up to four to fifteen kilograms on average, much larger than modern day cod.

Navigation and commerce drove the selling of cod, but opened an avenue for excessive exploitation and habitat loss that disturbed the ecological "climax" of the marine species. Climax of species naturally occurs without disturbances and without human interactions. Fishermen's new methodologies for catching and distribution of fish were

an unnatural disturbance as evidenced by the migratory and spawning disruptions. Trade fisheries became an “extreme point” for the physical alteration of New England by way of their fishing routines and how closely they were built to water. Building in seines at the lowest watermark disturbed inland ecosystems and organism communities thriving in and around the shores.¹¹ Depletion did not seem possible at first because of the abundance of fish populations, but exports shipped tons of fish to all major coastal regions of Europe. By 1640, North American settlers had fished out their own waters. Spawning was slower and migrations were different from previously documented. Before regulations were established, colonists proceeded to dip into the waters of Canadian stock areas to fulfill negotiated orders. Quality and availability of fish had to be ensured within the parameters of regulations. Instances of minor warfare between fishermen in the Maine and Canada marine regions occurred because of unrestricted access. Fishermen had to develop an awareness of overfishing in order to maintain allocations and ecological stability, but profits from fisheries and neighboring fishing industries demanded possession over “natural advantages.” This possession and manipulation of resources to maintain yearly profits significantly contributed to the decline of ecological systems.¹²



Methods in Cod Fishery, c. 1650 translation printed 1908

Created by Nicolas Denys

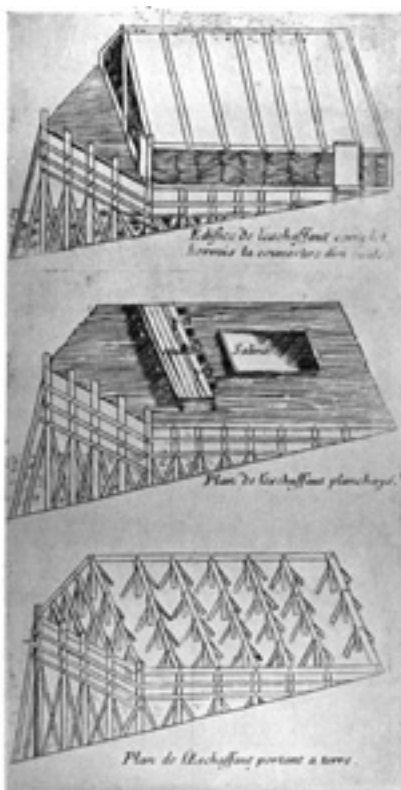
Source: “*The Description And Natural History Of The Coasts Of North America (Acadia)*”
by Nicolas Denys Translated By William F. Ganong via Project Gutenberg

UNDOCUMENTED INVASION: A MARINE WAR FOR SURVIVAL

Environmental history has made deforestation and overfishing widely known and understood terms in relation to ecological degradation and environmental conservation. An issue not as popularly discussed, specifically for colonial fisheries, is the exchange and transfer of invasive non-indigenous species or NIS. NISs are transferred by water transport. During the colonial period, boats were constantly sailing in and out of ports to multiple locations all over the world. Major ports of the world included Boston, places in Portugal and Spain, Italy, England, and the West Indies. Scientific evidence shows that various regions are home to an array of unique organisms. These organisms thrive and maintain stability in their own natural environments. When introduced into foreign atmospheres and regions, organisms may alter or dominate other species. It has been shown that even the slightest change can trigger massive effects within the environment. This is known as “sensitive dependence.” The introduction of foreign species in marine communities around New England forced fishermen’s greatest commodity to adapt and battle for survival. Colonial era vessels would travel in and out of ports allowing invasions to take place around coastal regions. These invasions contributed to changes in fishing migration patterns.¹³

Though this idea arose as recently as the 1990s, scientists have confirmed substantial short and long-term effects of species invasion. Before the innovation of larger fishing vessels, fishermen would bait in the shallow waters in long boats. Depending on the size, these long boats would hold approximately five to ten men at a time. Infant fisheries of the early seventeenth century employed approximately 1,000 inshore fishermen. Gradually the evolved fisheries hired up to 5,240 fishermen per season. They were divided up into groups for long boats. Even small boats of this size slightly disrupted habitats and organisms. Invasions would not truly damage marine cycles until the establishment of large vessel usage.¹⁴

The introduction of colossal fishing vessels fueled the invasion of species as they traveled to farther destinations. Ports in Salem and Boston were growing economically and physically, eventually creating twenty or more prosperous fishing towns around coastal regions. These towns exported 300,000 tons of fish and products made from fish (such



*Staging used in Cod Fishery,
c. 1650 translation printed 1908
Created by Nicolas Denys
Source: "The Description And Natural History
Of The Coasts Of North America (Acadia) by
Nicolas Denys Translated By William F. Ganong
via Project Gutenberg*

as fertilizer and oil) per year. With newly acquired scientific evidence regarding non-indigenous invasive species, it is critical to connect variations in cod migratory and spawning patterns in colonial New England. Ecological communities were not only disrupted and depleted by overfishing from fleets of fishermen, but also by invasions of non-indigenous organisms.¹⁵

Each passing year, fisheries along the coasts of New England showed incredible economic and social progress. Fishermen already settled, and men planning to migrate to the New World, became confident in their gamble to relocate. Eventually, the risk of opening a fishery presented high odds of success. Fisheries proved to be one of the most significant endeavors of the United States. Successful fishing businesses allowed for economic self-reliance from Great Britain and set the stage for further advances in power. It is fascinating to examine how quickly colonial fishing practices evolved from barely surviving the elements every season, to providing economic stability for coastal populations within 100 years. It is equally fascinating to evaluate how quickly human interaction left such a prominent ecological footprint. It is clear that the environment that supplied these men with their fortunes lost a great deal of its own richness.

Environmentalism has since become a popular topic, and climate change, deforestation, overfishing, and ocean species decline have become more recognized. Though there are gaps in New England's colonial environmental evidence, it is clear that early European interactions harmed ecological systems. Colonial settlements in New England are not entirely to blame for the degradation of the environment, but close examination of fishery practices during that era reveals more serious issues and implications for the environmental degradation existing today. The challenges faced upon the first arrival of European fishermen compelled men to develop new methods in catching, possessing, and exporting fish in exchange for success. Men like Denys discovered ways to manipulate the region's "natural advantages" to ensure future fishing success. The manipulation of resources through deforestation, overfishing, and non-indigenous species invasion began the destruction of the surrounding environment but aided fishery owners, such as Denys, to become victors over their challenging settings. Rivedou, a non-indigenous species himself, proved that not all invasions could dominate their surroundings. Unlike the cod in the Atlantic, disrupted by foreign species, the Frenchman simply could not adapt. The only question that remains: Who will be on top in the end?

In January 1675, an Indian man named John Sassamon was found dead under the ice of Assawompssett pond near Plymouth, Massachusetts. Just a few days earlier, he had warned the people of Plymouth of an impending attack by Metacom, whom the English called “King Philip.” Metacom had long been at odds with the settlers of Plymouth colony. When it was discovered that Sassamon’s body had “marks of violence” on it, the colonists’ suspicions rose. They suspected Metacom had ordered Sassamon’s murder.¹ On June 1, 1675, three Indian men with close ties to Metacom were tried for the Sassamon’s murder. For the first time in the history of

We the Jury:

How Three Praying Indians Shaped Colonial New England

by Aimee Wismar

Plymouth colony, a mixed jury of white settlers and Indians was chosen to hear the case. The six Indians chosen were “praying Indians,” members of a settlement of natives converted to Christianity who had close ties to the Plymouth community. The jury unanimously found the three Indian men guilty of Sassamon’s murder and they were subsequently executed.²

While this trial may seem merely an intriguing snapshot of colonial justice, many factors make it significant. Colonial contemporaries and historians have long cited this murder and trial as the impetus for “King Philip’s War,” a devastating yearlong conflict that nearly destroyed any cooperation between the Indians and English settlers. Historians have mainly focused on John Sassamon or the praying Indian communities. What is more intriguing, and less studied by historians, is the story of the six Indian men, Acanootus, Hope, Wannoo, Maskipague, George, and Wampye,³ who sat

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Metacom (aka King Philip), c1670
Source: <http://kphilipswar.weebly.com/king-philip.html>



Assault on Sergeant Aryes Inn
Source: <https://footnotessincethewilderness.wordpress.com/tag/king-philips-war/>

on the jury in the Sassamon trial. These men were part of the larger Plymouth community and had ties to the government both before and after the trial. What is fascinating about these men is that their roles in Plymouth Colony present a microcosm of the larger functions that praying Indians served before, during, and after King Philip's War. Their story illustrates the changes praying Indians endured because of the war. The lives of three Indian jurors, Acanootus, Hope, and George, demonstrate the complex dynamic praying Indians had with the English settlers. On the one hand, they were part of the Puritan community as a whole, but they were also distinctly on the fringes of that society. These relationships add a new dimension to the narrative of white/Indian relations in colonial New England. They also demonstrate the changes in these relationships due to King Phillip's War.⁴

PRAYING INDIANS

Praying Indian towns were established in 1651 by John Eliot, an English minister. By the onset of King Philip's War in 1675, there were fourteen praying Indian towns established throughout eastern Massachusetts.⁵ It has been argued that the natives most susceptible to conversion were those who had suffered from widespread disease and famine in the early years of English settlement. Over the years, historians have debated whether praying Indians had been completely subjugated by the English. Conversely, some historians argue that the Indians converted to Christianity as a way to cope with the changing world around them.⁶ In any case, it is important to note that the praying Indians of Massachusetts played a key role in the dynamics of Indian/English relations before, during, and after King Philip's War.

In a letter dated 1670, the Reverend John Eliot, a leader in the conversion of the natives, described his experience establishing an Indian church in Plymouth colony: "There was a meeting at Maktapog near Sandwich in Plimouth-Pattent to gather a church among the Indians: there were present six of the Magistrates and many of the Elders, (all of the Messengers of the Churches within that Jurisdiction)."⁷ It is interesting to note that there were colonial officials present at the founding of the church. That suggests

some degree of cooperation and accommodation between the English and the Indians. It may also signal that conversion was a method of English control over the Indians. This situation could also have been advantageous for the natives who were encountering a changing world. Citing his commitment to educating the Indians, Elliot penned, “And while I live my purpose is, (by the Grace of Christ assisting) to make it my one chief cares and labours to teach them some of the Liberal Arts and Sciences.”⁸

By becoming praying Indians, many natives learned English, were taught in schools, and learned the Puritan way of life. In Plymouth, these Indian communities even had their own judicial system modeled after the English legal system.⁹ This system may have prepared the jurors to serve on the Sassamon trial. In any case, it can be surmised that at least one, if not all, of the Indian jurors spoke English, been familiar with court proceedings, and been known to their English neighbors. In fact, they seem to have been highly regarded by the leaders of Plymouth. This sentiment is noted in the Plymouth court records for the Sassamon trial. “It was judged very expedient by the Court, that together with this English jury above named, some of the most indiferestest gravest, and sage Indians should be admitted with the said jury.”¹⁰ These praying Indian jurors highlight some of the many ways that praying Indians were integrated into the English colony.

Relations between the colonists and the praying Indians changed dramatically during and after King Philip’s War. The devastation wrought by both sides increased the distrust felt by both the natives and the English. For the praying Indians in Massachusetts, the war presented a precarious situation. They needed to be wary of both the English and the other Indians. In some cases, they were captured and imprisoned by members of both of the warring factions. In late 1675, the Massachusetts authorities ordered that all Praying Indian towns be evacuated and the residents confined on Deer Island in Boston Harbor. When the residents of Natick, the first established praying town, were transported to Deer Island, John Eliot “comforted and encouraged and instructed and prayed with them and for them.” John Eliot and the Indians were frightened that



John Eliot preaching to praying indians

Drawn by J.A. Gertal and engraved by J.C. Buttre

Source: <https://footnotessincethewilderness.wordpress.com/tag/king-philips-war/>

“they should never return to their habitations, but be transported out of the country.” Conditions on the island were atrocious and many died during their time in captivity. Many English colonists had little empathy for the praying Indians. They believed that their loyalties were with the warring Indians and many believed that, “praying Indians had now become ‘preying Indians.’”¹¹

The fate for the “praying Indians” was not much better after the war ended. Faced with the desire to punish the natives, the English sold some of the praying Indians into slavery. The belief that all Indians, praying or not, were bad Indians was prevalent throughout the colony. Confusion about which Indians were loyal was also a problem for the English following the war. Jill Lepore wrote “that even Indians who had served the English in a variety of ways... were not necessarily rewarded for their liberty.” On June 20, 1676, a council was convened in Charlestown to bestow brass medals on the loyal Indians. The medal provided an easy way for the colonists to distinguish friend from foe. Each Indian given the medal was required to pledge his fidelity to the colony. Some praying Indians were allowed to return to their communities after the war, but for most, their lives were irrevocably changed. Three jurors from the Sassamon trial exemplify the struggles and benefits of being a praying Indian in colonial New England.¹²

ACANOOTUS

Acanootus’ status as a praying Indian surely granted him some privilege within Plymouth. He was mentioned in records as early as 1660. On May 24, 1660, Acanootus, along with two other Indians, was granted a parcel of forty acres within the Plymouth colony. This entry stipulated that the land was, “to be layed forth and bounded conditions and circumstances to be ordered about it.”¹³ Unfortunately, the record does not say what those circumstances and conditions were, but the mere fact that land was granted to an Indian at that time is extraordinary. Nowhere from 1651-1670 is there another mention of lands granted to any Indian. This instance may be an example of the English settlers placating and rewarding praying Indians for their fidelity to the colony.

Of further interest is that on April 7, 1684, nine years following the trial, Acanootus was granted an additional fifteen acres of land by the government of Plymouth.¹⁴ Again, this seems to be an unusual occurrence. No other mention of Indian land grants were made in the Plymouth records around this time; something that may be attributed to the overall distrust of Indians following King Philip’s War. On March 6, 1694, Acanootus was allowed to sell a tract of land “lying upon the Clifts towards Sandwich which s d land he saith he bought of old Skepeunk,” to Jonathan Morey, Jr.¹⁵ This record refers to yet another parcel of land owned by Acanootus not previously mentioned, which suggests that he may have been a rather wealthy and influential Indian, not only within his own native community, but also within the greater Plymouth colony. That Acanootus sold land to a white settler further implies that Acanootus was well integrated into the Plymouth community and was trusted by the English colonists, even after the war. These facts illustrate that Acanootus was, at least in some capacity, a functioning member of the Plymouth community both before and after the Sassamon trial. He seemed to have been a natural choice for jury service, as he was not only well known to the English, but

must have been a leader among the praying Indian community. He also was an exception to the traditional narrative following King Philip's War. Most Indians in colonial New England were further alienated from white settlements after the war, while Acanootus resumed his previous role, and even flourished in it.

HOPE

Hope, also known in records as Pohunna, seemed a natural choice as a jury member as well. On July 5, 1671, four years before the trial, Hope and Wannoo, another jury member, signed a pact of fidelity with the government of Plymouth: "As wee hope some of us, having received the faith of the gospell of Christ, and taught to seeke for peace and cast our lyon like spirits... and that wee noe more be strangers and forraigners, but by the grace of Christ revealed in the gospell wee hope to be of the household of God, Eph. 2:19, doe therefore unanimously agree to submit ourselves unto youer government and to engage our fidelitie not to doe any thinge that may be destructive to this government."¹⁶ This pact may have been related to the establishment of a praying Indian town in Plymouth Colony. This pact demonstrates the interesting relationship between the colonists and the praying Indians. On the one hand, the pact implies subjugation by the English colonists, but it also signals a willingness by the natives to integrate themselves into Plymouth society.

Further evidence of Hope's connection with the Plymouth Colony is mentioned in records after his jury service and King Philip's War. In July 1679, Hope testified to the Plymouth court concerning ownership of a contested tract of land.¹⁷ Although the argument was between natives, not white men, that Hope was called to testify at the court signals that he remained a trusted source of information for the English at Plymouth colony. He most likely spoke English well enough to testify to the court, as there was no mention of a translator of any kind, and was educated well enough to be trusted by them. More importantly, Hope's testimony exhibits his ongoing relationship with the colony, even after King Philip's War, an extraordinary feat given the number of praying Indians who were not permitted to return to the colony after the war.

GEORGE

Although George is not mentioned in Plymouth records before the trial, there is a wealth of information pertaining to him during King Philip's War and a few years following it. As related by Benjamin Church, a colonel in the army during the war, George was a Sagkonate Indian in the service of Awashonks, the female chief of the praying Indian tribe. Church first mentions George, along with Sassamon himself, shortly before Sassamon's murder. Church was invited to a ceremonial dance by Awashonks and was sent for by George and Sassamon: "But what does Awashonks do, but sends away two of her Men that well understood the English Language (Sassamon and George by Name) to invite Mr. Church to the Dance."¹⁸



Colonel Benjamin Church c. 1675
Date: 1881
Source: Fogg Autograph Collection,
Maine Historical Society

George seemed to have been very well acquainted with John Sassamon. This may have been part of the reason, along with his mastery of the English language that he was chosen to serve on the jury. That he spoke English well and formed a relationship with Church, a well-respected leader in colonial New England, illustrates George's dynamic relationship with the colony. Church seemed to regard George very highly. He related meeting him again during the war: "And when Mr. Church came up to the Indians, one of them happened to be honest George, one of the two Awashonks formerly sent to call him to her Dance, and was so careful to guard him back to his House again; the last Sagkonate Indian he spoke with before the war broke out; he spoke English very well."¹⁹ According to Church, George played a pivotal role in bringing peace between the Sagkonate Indians and the English. Because George spoke English so well, he was sent by Awashonks to pledge his fidelity to the English settlers at Plymouth.²⁰ This episode highlights the complex relationship the praying Indians had with the colonists of Plymouth. It must have been difficult to abandon their native roots, but the benefits of an allegiance with the English may have been alluring. It seems that George maintained his loyalty to the English during the war, and perhaps he felt a deep connection to the people of Plymouth. Serving on the Sassamon jury may have been just one of the ways George expressed his loyalty.

After the war, George is mentioned in the Plymouth records a few times. On June 28, 1676, George and two other Indians presented themselves before the government of the Plymouth colony to renew their fidelity. George did admit that some of the Sagkonate Indians joined Philip in making war against the English, but most of his tribe "satt still and minded their worke att home." The council recorded that "Peter and Gorge againe desired the govment heer to give them leave to live somewhere within our liberties and they would be subject to the English." They declared that "wee must have some good security of your fidelitie before wee can grant youer desires."²¹ Almost a full year later, on March 6, 1677, the colonists recognized the loyalty of the Sagkonate Indians, George among them, and allowed them to live on the lands they had previously occupied and to have the protection of the English colony.²² This whole episode demonstrates George's continued connection with, and service to, the Plymouth colony. More importantly, it demonstrates the changes the praying Indians endured following the war. That George, a trusted aid to Benjamin Church, was not able to retake his place in the praying Indian community highlights the struggles the praying Indians faced following King Philip's War.

The repeated mentions of George, Hope, and Acanootus in the records of Plymouth colony and in accounts of King Philip's War illustrate their interrelation with the English settlers. That Acanootus was granted land in 1660, that Hope pledged his Christian fidelity, and that George assisted Benjamin Church in bringing peace to the colony, all imply a deep connection and working relationship between those Indians and the Plymouth community. The fact that these men served on the jury in one of the most important cases of the late seventeenth century seems to be just one incident in the history of their long relationship with the colony. Their rich lives demonstrate an oft-untold aspect of Indian/White relationships in colonial New England, and add a new dimension to the narrative of praying Indians in Plymouth Colony.

Notes

Great Britain: Courting the Collision of Arab and Jewish Nationalism

by Gary Wilcox

- 1 Yusuf al-Khalidi to Zadok Khan, March 1, 1899, in *The Arabs and Zionism before World War I*, ed. Neville J. Mandel, (Berkeley: University of California Press, 1976), 47-48. Excerpts of the personal letter interpreted and quoted by Mandel.
- 2 Theodor Herzl to Yusuf al-Khalidi, March 19, 1899, in PIWP database, accessed September 25, 2014, <http://cosmos.ucc.ie/cs1064/jabowen/IPSC/articles/article0025759.html>.
- 3 George Antonius, *The Arab Awakening*, (New York: Capricorn Books, 1965), 79-81.
- 4 Neville J. Mandel, *The Arabs and Zionism before World War I*, (Berkeley: University of California Press, 1976), 20-23.
- 5 "A Proclamation Inciting a Pogrom of the Jews, April 1903," in Readings in Modern European History vol. 2, eds. James Harvey Robinson and Charles Beard (Boston: Boston, Ginn & Company, 1908), 371-372.
- 6 Avner Falk, *Anti-Semitism: A History and Psychoanalysis of Contemporary Hatred*, (Santa Barbara: Praeger Publishers, 2008), 48-49.
- 7 Vladimir Korolenko, "Kishineff: The Medieval Outbreak Against the Jews," in *The Great Events by Famous Historians vol. 20*, eds. Charles F. Horne and Rossiter Johnson, (New York: The National Alumni, 1905), 47.
- 8 *Ibid.*, 35.
- 9 "Jewish Massacre Denounced," *The New York Times*, April 28, 1903, in Newspaper Archive, accessed September 26, 2014 <http://newspaperarchive.com>.
- 10 "The Kishineff Outrages," *The Times*, August 13, 1903, accessed September 26, 2014 <http://www.thetimes.co.uk/tto/archive/>.
- 11 Clement Hill to L.J. Greenberg, August 14, 1903, in *Zionist Congress: The Uganda Proposal*, ed. Dr. Motti Friedman in Jewish Virtual Library, accessed September 20, 2014 <http://www.jewishvirtuallibrary.org>.
- 12 David Fromkin, *A Peace to End All Peace*, (New York: Holt Paperbacks, 2009), 274.
- 13 Vladimir Lutsky, *Modern History and the Arab Countries*, trans. Lika Nasser (Moscow: Progress Publishers, 1969), 340.
- 14 As a member of the Prophet Muhammad's Hashemite tribe, Hussein was perceived as a rightful ruler of the Hejaz by the Muslim Arab people. His appointment to the Hejaz by the Sultan was a concern to the Young Turks who saw him as a figure that might ultimately defy the Turkish government.
- 15 Fromkin, *A Peace to End All Peace*, 41 & 92.
- 16 Thomas E. Lawrence to Liddell Hart in T.E. Lawrence To His Biographers Robert Graves and Liddell Hart, ed. Robert Graves and Liddell Hart (London: Cassell & Company, Ltd., 1963), 87-88.
- 17 *Ibid.*, 87.
- 18 Phillip Mansel, Constantinople, (London: Penguin Books Ltd., 1997), 348.
- 19 Antonius, *The Arab Awakening*, 104.
- 20 Elie Kedourie, *Arabic Political Memoirs and Other Studies*. (London: Frank Cass and Company Limited, 1974), 244.

- 21 Sir Charles Lowther to Sir Charles Hardinge, May 29, 1910, in *Arabic Political Memoirs and Other Studies*, ed. Elie Kedourie, (London: Frank Cass and Company Limited, 1974), 251 & 256.
- 22 Joseph Heller, *British Policy Towards the Ottoman Empire 1908-1914*, (London: Frank Cass and Company Limited, 1983), 98.
- 23 Randall Baker, *King Husain and the Kingdom of Hejaz*, (Cambridge: The Oleander Press, 1979), 65.
- 24 Hussein to McMahon, July 14, 1915, in Jewish Virtual Library, accessed September 20, 2014 <http://www.jewishvirtuallibrary.org>.
- 25 McMahon to Hussein, August 30, 1915, in Jewish Virtual Library, accessed September 20, 2014 <http://www.jewishvirtuallibrary.org>.
- 26 Hussein to McMahon, September 9, 1915, in Jewish Virtual Library, accessed September 20, 2014 <http://www.jewishvirtuallibrary.org>.
- 27 McMahon to Hussein, October 24, 1915, in Jewish Virtual Library, accessed September 20, 2014 <http://www.jewishvirtuallibrary.org>.
- 28 Albert Hourani, *A History of the Arab Peoples*, (Cambridge: The Belknap Press of Harvard University Press, 2002), 317.
- 29 Hussein to McMahon, November 5, 1915, in Jewish Virtual Library, accessed September 20, 2014 <http://www.jewishvirtuallibrary.org>.
- 30 McMahon to Hussein, December 14, 1915, in Jewish Virtual Library, accessed September 20, 2014 <http://www.jewishvirtuallibrary.org>.
- 31 Hussein to McMahon, January 1, 1916, in Jewish Virtual Library, accessed September 20, 2014 <http://www.jewishvirtuallibrary.org>.
- 32 "Sykes-Picot Agreement: 1916," in the Avalon Project, accessed September 20, 2014 http://avalon.law.yale.edu/20th_century/sykes.asp.
- 33 Dee Smith. The Damascus Protocol. Map, accessed October 1, 2014 <http://finnect.deviantart.com/art> (Used by permission).
- 34 Diederik Vandewalle, "Sykes-Picot Agreement, 1916," Middle East Maps, Map, accessed October 1, 2014 <https://www.dartmouth.edu/~gov46/sykes-picot-1916.gif>. (Used by permission).
- 35 The Great Arab Revolt had little impact in terms of military operations and the Arab military paled against greater British and French forces. The revolt's greatest contribution was the refusal to join the Sultan's call for *jihad* against British and French forces in the region.
- 36 Arthur Balfour, Balfour Declaration 1917, in the Avalon Project, accessed September 20, 2014, http://avalon.law.yale.edu/20th_century/balfour.asp.
- 37 The traditional date of October 25, marking the October Revolution, corresponds to the Julian Calendar. According to the Gregorian Calendar, which would be adopted years later by Eastern Europe and Russia, the October Revolution corresponds to a November 7 date.
- 38 Arthur Balfour to George Curzon, August 11, 1919, in *Palestine Papers*, ed. Doreen Ingrams (New York: George Braziller, Inc, 1973) 73.
- 39 Ira M. Lapidus, *A History of Islamic Societies*, (Cambridge: Cambridge University Press, 2002), 545.
- 40 "Treaty of Sevres, 1920," in World War I Document Archive, accessed October 24, 2014, http://wwi.lib.byu.edu/index.php/Section_I,_Articles_1_-_260, Section III, Article 62.
- 41 Osama Bin Laden, "Letter to America," November 24, 2002, *The Guardian*, accessed October 24, 2014 <http://www.theguardian.com/world/2002/nov/24/theobserver>.
- 42 Islamic State, "The End of Sykes Picot," video, YouTube, June 14 2014, accessed November 11, 2014, <https://www.youtube.com/watch?v=i357G1HuFcI>.

Dress-Nots and Party-Raids: Denver's Gender Ordinances and Public Space, 1886 and 1954

by David Duffield

- 1 "Women's Dress Banned for Men in Denver" *Denver Post*, December 28, 1954, 3; "Council Ignores Psychologist to Ban Masquerading Men," *Rocky Mountain News*, December 28, 1954, 10; "Proceedings of the Council of the City and County of Denver" December 28, 1954, Council Bill #319, 5185 – 5187; "Chapter 7: Public Offenses: Article 1. Sec. 2: Indecent Exposure," *Laws and Ordinances of the City and County of Denver*, 1886 Volume, Compiled by Isham White, 344.
- 2 John D'Emilio, "Capitalism and Gay Identity," in *Powers of Desire: The Politics of Sexuality*, edited by Ann Snitow, Christine Stansell & Sharan Thompson, 100 – 113, (New York: Monthly Review Press, 1983).
- 3 Peter Boag, *Redressing America's Frontier Past* (Oakland: University of California Press, 2011) 3.
- 4 William Eskridge, *Gaylaw: Apartheid of the Closet*, (Boston: Harvard University Press, 1999) 26-28.
- 5 Eskridge, *Gaylaw*, 26-28.
- 6 Peter Boag, *Redressing*, 4-16.
- 7 Clare Sears, "Electric Brilliance: Cross-Dressing Law and Freak Show Displays in Nineteenth Century San Francisco," *Women's Studies Quarterly*, 36, no. 3-4, (Fall-Winter, 2008) 170 – 187.
- 8 Sears, "Electric Brilliance," 172.
- 9 Sears, "Electric Brilliance," 175.
- 10 Sears, "Electric Brilliance," 172.
- 11 Marjorie Garber, *Vested Interests: Cross-Dressing & Cultural Anxiety*, (New York: Routledge, Chapman and Hall, 1992) 21-32, 52-53, 62-64, 70-71, 136-138.
- 12 Garber, *Vested Interests*, 15-21.
- 13 Garber, *Vested Interests*, 389-390.
- 14 Eskridge, *Gaylaw*, 27-29, 111, 338-41.
- 15 For an overview of this period, especially Denver's early growth see Stephen Leonard and Thomas J. Noel, *Denver: Mining Camp to Metropolis*, (Boulder: University of Colorado Press, 1990).
- 16 Thomas J. Noel, *The City and the Saloon: Denver 1858-1916* (Boulder: University Press of Colorado; 2nd ed., 1996)
- 17 Noel, *City and the Saloon*, 53 -66.
- 18 Noel, *City and the Saloon*, 95-111.
- 19 Noel, *City and the Saloon*, 67-78.
- 20 Phil Goodstein, *Denver from the Bottom up: Vol. 1 from Sand Creek to Ludlow*, (Denver: Life Publishing, 2004) 144.
- 21 "Laws and Ordinances of the City and County of Denver," 344 – 382; Noel, *City and The Saloon*, 79 – 84. Of special note for researchers in this field are observations by Judge Lindsay, Governor Peabody, and Josephine Roche, Colorado's first police woman and social worker; Jan MacKell, *Brothels, Bordellos, and Bad Girls: Prostitution in Colorado, 1860 – 1930*, (Albuquerque: University of New Mexico Press, 2004) 18-69.
- 22 "Man's Duty to His Home," *Denver Republican*, March 8, 1886, 3. In fact, throughout 1954 religious leaders often had sermons in local newspapers, noting the prominence of Christian fellowship and fatherhood.
- 23 Goodstein, *Denver from the Bottom up*, 176–184.
- 24 "Chinese Chop House," *Denver Republican*, January 21, 1886, 5.
- 25 "Chinese in Society," *Denver Republican*, February 2, 1886, 8.
- 26 Goodstein, *Denver from the Bottom*, 144-148. Goodstein notes especially that "moral reformers," like Social Gospelist Thomas Uzzell, championed such measures and were supported by women's organizations like the WCTU. Women were as much moralizers as men were; "Laws and Ordinances of the City and County of Denver" Article 7, Section 14, 382-384.

- 27 Noel, *Denver: City and the Saloon*, 89. Noel speculates in other works that “Moses Home” may in fact have been a bar where homosexuals frequented. We should not assume that what we might call “pedophilia” is same as what we would call homosexuality. In this period neither category existed. For more see, Thomas J. Noel, “Gay Bars and the Emergence of the Denver Homosexual Community,” *Social Science Journal*, (April 15, 1978) 59-74.
- 28 “Denver Modern Sodom” *Denver Republican*, February 3, 1886, 8. In *Denver: City and the Saloon*, Noel noted regular accounts from people like Judge Lindsay and Denver Police of roving youth gangs, and accounts of youth being accosted in the brothels and saloons.
- 29 “Ch. 10: Public Offenses: Articles 4; Section 952-965,” *General Ordinances of City and County of Denver* compiled by Henry J. Hersey, 1898, 467-470.
- 30 *Laws and Ordinances of the City and County of Denver*, Ch. 7, Sec. 18, 383. The actual language of the ordinance was “Any person who is in any way diseased, maimed, mutilated, or in any way deformed so as to be an unsightly or disgusting object, or an improper person to be allowed upon the streets, highways... public places of the city, shall not therein... expose himself or herself to public view, under penalty of one dollar for each offense... the fine shall be commuted if such person detained at the Police Station, where he or she can be well cared for until he or she can be committed to a County Poor House or otherwise provided for.”
- 31 “Larry Ruiz, Activist for People, Dies at 58,” *Denver Post*, May 2, 2012, accessed online December 10, 2014, http://www.denverpost.com/ci_20525629/larry-ruiz-denver-activist-people-disabilities-dies-at.
- 32 Boag, *Redressing America's Frontier Past*, 6-12.
- 33 Sears, “Electric Brilliancy,” 170-187.
- 34 “In Female Attire: A Male Miss Nancy Run in by the Police,” *Rocky Mountain News*, July 2, 1883, 1.
- 35 Boag, *Redressing America's Frontier Past*, 79.
- 36 “Masculines in Petticoats,” *Rocky Mountain News*, March 7, 1886, 7.
- 37 *Proceeding of the City Council*, December 17, 1885-March 8, 1886, and *Proceedings of the City Council*, March 8, 1886-January 27, 1887. It is possible this language was introduced at the state level since Denver was not granted “home rule” until 1901. This means certain ordinances regarding police, fire and safety may have passed through state legislature. Further investigation is required.
- 38 Boag, *Redressing America's Frontier Past*, 70.
- 39 Brent D. Everett, *It's OK to be Gay: The History of Gay Denver Vol. 1: The Gay Social Construct*, (Denver: Blurb Publishing, 2014) notes a May 1885 Rocky Mountain News article about a man named John Ryan propositioned a fourteen year old boy. This agrees with Noel's article *Gay Society*, 1979, that references a collection of 1885 articles in the Sam Howe papers.
- 40 “A Queer Case, This” *Denver Evening Post*, April 25, 1895, 1; Boag, *Redressing America's Frontier Past*, 82-83, 90.
- 41 “Female Impersonator Evans,” *Denver Evening Post*, January 3, 1898, 5; Boag, *Redressing America's Frontier Past* 71, 74.
- 42 “J.B. Winslow Arrest,” *Rocky Mountain News* October 10, 1891, 3; Boag, *Redressing America's Frontier Past* 68, 70.
- 43 Boag, *Redressing America's Frontier Past*, 6-8, 31-37, 41-44, and 46-55.
- 44 Boag, *Redressing American's Frontier Past*, 111-117, 124-129.
- 45 Boag, *Redressing American's Frontier Past*, 53-54; “Woman Who Posed as Man 60 Years, Dead/Born in France/Only Reason Was to Secure man's Work,” *The Trinidad Advertiser*, Nov 11, 1907. In Jonathan Ned Katz. *Gay/Lesbian Almanac: A New Documentary*, (New York: Harper & Row Publishers, 1983) 323-4.
- 46 Boag, *Redressing American's Frontier Past*, 56-67.
- 47 “Growth of Denver Banks Reflects Prosperity in Area,” and “Denver Firms Give Yuletide Bonuses,” *Rocky Mountain News*, December 17, 1954, 67.
- 48 Noel, *Mining Camp to Metropolis*, 235-250.
- 49 Dani Newsum, *Cold War Colorado: Civil Rights and the Movement for Legislative Equality, 1945-1959*, Master of Arts Thesis, History, University of Colorado Denver, (April 2, 2012).

- 50 Noel, *Mining Camp to Metropolis*, 352-378, 396-399.
- 51 "Street Repairs No. 1 Concern of Denver Residents," *Rocky Mountain News*, December 15, 1954, 8.
- 52 "Council in Squabble Over Shopping Center," *Rocky Mountain News*, December 15, 1954, 8.
- 53 Noel, *Mining Camp to Metropolis*, 458-460; "Denver Gets Water Rights to Blue River," and "Water Picture Brighter" *Rocky Mountain News*, December 15, 1954, 5.
- 54 "DA's Require Stricter Penalties for Colorado's Deserting Fathers" *Rocky Mountain News*, December 12, 1954; "Ban On Horror Comics Faces First Test in State" *Rocky Mountain News*, December 19, 1954; "Denver Among US Leaders in Divorce," *Rocky Mountain News*, December 26, 1954, 66; "Divorce Rates up Fifty Percent from 1934-1954," *Rocky Mountain News*, December 27, 1954, 24.
- 55 Noel, *Mining Camp to Metropolis*, 398-402.
- 56 "Regional Drop in Crime 1951" *Denver Post*, April 21, 1952, *Crime and Criminals, Colorado, Clippings File* Denver Public Library.
- 57 "FBI Claims Crime in Colorado Jumps Again" *Rocky Mountain News*, May 1, 1956. The article details the rise of crime in early 1950s and resurgence after Little Kelvauer Commission; "Law Enforcement Still the Best Solution" *Denver Post*, July 27, 1951; "Denver History Blemished by Turbulent Crime History" *Rocky Mountain News*, April 19, 1959 61 *Crime and Criminals, Colorado Clippings File*; Noel, *Mining Camp to Metropolis*, 399-408.
- 58 "Vice Held 'Poor' in Denver" *Rocky Mountain News*, April 19, 1961. The article laments the passing of the May Act which authorized government authorities to crackdown on prostitution during WWII.
- 59 Eskridge, *Gaylaw*, 225-226.
- 60 Keith Moore, "Chapter Two: Creating a Moral Problem," *Queen City of the Plains*, accessed online December 10, 2014, https://www.academia.edu/8939166/Queen_City_of_the_Plains_Chapter_Two_Creating_a_Moral_Problem 1 – 20.
- 61 *Proceedings of the Denver City Council*, August 1954-January 1955, 5163- 5164 and 5185-5187.
- 62 Everett, "OK to Be Gay," 88-95.
- 63 "General Ordinances of the City and County of Denver" Compiled by Henry J. Hersey, 1898, DPL Western History Department, DC1.6: 1893/2 C.2); "The Municipal Code of the City and County of Denver (1904 – 1927)" Compiled by Denver City Attorney; "The Revised Municipal Code of the City and County of Denver (1955)" Compiled by City and County of Denver Attorney's Office.
- 64 41 Ohio St. 2d 161 (1975).
- 65 Jerry Gerash, *Denver Gay Revolt!* (2008) 61:60 min.
- 66 "Denver Gays form Transsexual, Lesbian, and Gay Defense Group and March in Protest to Police Shooting of Anthony 'Irene' De Soto," *Denver Post*, April 3, 1978, 23; "Transvestite Prostitute Slain by Policeman," *Rocky Mountain News*, March 31, 1978, 8; "The Angie Zapata Murder Trial" *The Denver Post*, April 12, 2009, accessed online Dec. 4, 2014, http://www.denverpost.com/headlines/ci_12116119.

Why Thou Shalt Not Kill: Wartime Expediency in the Judgment and Justification of Conscientious Objection Cases at the WWI Middlesex Service Tribunals

by Dart Sebastiani

- 1 *First World War Military Service Tribunals, Middlesex Military Service Appeal Tribunals*, The National Archives, PRO MH 47/66/53, accessed October 23, 2014 <http://www.nationalarchives.gov.uk/conscription-appeals/>.
- 2 "Norman Edward William Woodford of 102 Hampden Road, Hornsey, 1915-1922," *First World War Military Service Tribunals, Middlesex Military Service Appeal Tribunals*, The National Archives, PRO MH 47/66/53, M453,, accessed October 23, 2014 <http://www.nationalarchives.gov.uk/conscription-appeals/>.
- 3 "Woodford," *First World War Military Service Tribunals*.
- 4 Ibid.
- 5 *First World War Military Service Tribunals*.
- 6 Nigel Young, "Tradition and Innovation" in *Campaigns for Peace*, ed. Richard Taylor and Nigel Young (Manchester: Manchester University Press, 1987), 14-19; see also *Reminiscences of War Resisters in World War I*, ed. Julian Bell (New York & London: Garland Publishing, 1972); Brock Millman, *Managing Domestic Dissent in First World War Britain, 1914-1918* (London: Frank Cass, 2000); Martin Ceadel, *Pacifism in Britain 1914-1945* (Oxford: Clarendon Press, 1980); R.J.Q. Adams and Philip P. Poirier, *The Conscription Controversy in Great Britain, 1900-18* (London: Macmillan, 1987); John Rae, *Conscience and Politics* (Oxford University Press: London, 1970); and Peter Brock, *Against the Draft: Essays on Conscientious Objection from the Radical Reformation to the Second World War* (Toronto: University of Toronto Press, 2006).
- 7 Martin Ceadel, *Pacifism in Britain, 1914-1945: The Defining of a Faith* (Oxford: Clarendon Press, 1980), 1-30; "Cowards and shirkers" quoted in B.N. Langdon-Davies, "We Did Not Fight," in *Reminiscences of War Resisters in World War I*, ed. Julian Bell (New York & London: Garland Publishing, 1972), 188.
- 8 See John Rae, *Conscience and Politics*, 78. Of the primary scholars, only John Rae mentioned that a significant number of conscientious objectors had neither religious, nor political objectives in their objections.
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- 12 Rae, *Conscience and Politics*, 141.
- 13 H. H. Asquith, *Genesis of the War* (London, 1923), accessed October 18, 2014 <https://archive.org/details/genesisofwar00asquoft> 139.
- 14 Rae, *Conscience and Politics*, 1-51.
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- 16 Woodford in *First World War Military Service Tribunals*.

- 17 Bertrand Russell, "Some Psychological Difficulties of Pacifism in Wartime," in *Reminiscences of War Resisters in World War I*, ed. Julian Bell (New York & London: Garland Publishing, 1972), 384.
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- 24 "Stanley Patrick of 32 Gardenia Road, Bush Hill Park, Enfield." *First World War Military Service Tribunals*.
- 25 "Cecil Archibald Morsman of 20 Glynfield Road, Harlesdan," *First World War Military Service Tribunals*.
- 26 "William George Henry Cook of 36 Waldemar Avenue, Ealing," *First World War Military Service Tribunals*.
- 27 "Alfred Nathaniel Brown of 167 Linkfield Road, Isleworth," *First World War Military Service Tribunals*.
- 28 James Maxton, "We Did Not Fight," in *Reminiscences of War Resisters in World War I*, ed. Julian Bell (New York & London: Garland Publishing, 1972), 218-219.
- 29 Adams and Poirier, *The Conscription Controversy*, 61.
- 30 Adams and Poirier, *The Conscription Controversy*, 251.
- 31 UK Parliamentary Papers.
- 32 John Rae, *Conscience and Politics*, 14.
- 33 *Ibid.* 15.
- 34 UK Parliamentary Papers.
- 35 John Rae, *Conscience and Politics*, 148.
- 36 Charles a Court Repington, quoted in Adams and Poirier, *The Conscription Controversy*, 148.
- 37 Adams and Poirier, *The Conscription Controversy*, 171-205.
- 38 Adams and Poirier, *The Conscription Controversy*, 226-232.
- 39 "Alfred Nathaniel Brown of 167 Linkfield Road, Isleworth," *First World War Military Service Tribunals*.
- 40 Quoted in Adams and Poirier, *The Conscription Controversy*, 246.

Disarming the Devil: Regulation of the Gun Trade as Indian Policy in 17th Century New England

by Elijah Wallace

- 1 For example, Alden Vaughan discussed throughout his book the amount of care and worry the colonial government expended in preventing guns from reaching the hands of the Natives from the time of Miles Standish's raid on Merrymont until 1675. Yet, he devoted his analysis of the development these regulations in his chapter on the commercial development of the colonies. Alden T. Vaughn, *New England Frontier: Puritans and Indians, 1620-1675* (Norman: University of Oklahoma, 1995). Adam Hirsch proposed that "If an Indian, for example, saw the point of an English hoe, he remained free to integrate it into his unilateral scheme of agriculture thoughtfully and at his leisure. But when faced with a doctrine of organized violence to which he was directly subjected, that Indian enjoyed no such freedom." Hirsch saw the revolution as a military one that evolved as a result of commercial competition with the English settlers. Adam Hirsch, "The Collision of Military Cultures in Seventeenth-Century New England," *Journal of American History* 74, no. 4 (1988).
- 2 Records of the Quarterly Courts of Essex County, Vol. I 1636-1656 (Salem: The Essex Institute, 1911), 233.
- 3 Virginia was attacked three times by the Powhatan Confederacy (1610-14, 1622-6, 1644-6) and Dutch New Netherland ran afoul of many tribes in their brisk competition for trade (1643-5, 1655, 1659-63). Kraft, Herbert, "Sixteenth and Seventeenth Century Indian/White trade Relations in the Middle Atlantic and Northeast Regions," *Archaeology of Eastern North America* 17, no.3 (1989), 18. In the 1640s, both colonies' governing bodies threatened the death penalty for trading guns to Indians, to no avail. Carl Russell, *Guns on the Early Frontiers* (Berkeley: University of California Press, 1980), 10; Michael Bellesiles, "Gun Laws in Early America: The Regulation of Firearm Ownership, 1607-1794," *Law and History Review* 16, no. 3 (1998), 578-9.
- 4 33 Hen. VIII c. 6 (1541).
- 5 Bellesiles, "Gun Laws in Early America," 572-3.
- 6 Alfred A. Cave, *The Pequot War* (Amherst: University of Massachusetts Press, 1996), 17.
- 7 Stephen Webb, *1676: The End of American Independence* (New York: Alfred A. Knopf, 1984), 222.
- 8 Alexander Young, ed., *Chronicles of the First Planters of the Colony of Massachusetts Bay from 1623 to 1636* (Boston: Little, 1846), 83; Alden T. Vaughn, *New England Frontier: Puritans and Indians, 1620-1675* (Norman: University of Oklahoma, 1995), 88-91, 227.
- 9 Patrick Malone, *The Skulking Way of War: Technology and Tactics among the New England Indians* (Oxford: Madison Books, 1991), 44.
- 10 Nathaniel Bradstreet Shurtleff, ed., *Records of the Governor and Company of the Massachusetts Bay in New England*, Vol. 1 (Boston: White, 1833), 196.
- 11 Russell, *Guns On The Early Frontiers*, 12.
- 12 Vaughn, *New England Frontier*, 159.
- 13 Shurtleff, *Records*, Vol. 2, 6-7.
- 14 Shurtleff, *Records*, Vol. 2, 208-209.
- 15 Vaughn, *New England Frontier*, 228.
- 16 Malone, *The Skulking Way of War*, 52-3.
- 17 Vaughn, *New England Frontier*, 229-230.
- 18 Malone, *The Skulking Way of War*, 48.
- 19 Donald E. Worcester and Thomas F. Schilz, "The Spread of Firearms among the Indians on the Anglo-French Frontiers," *American Indian Quarterly* 8, no. 2 (1984), 105.
- 20 Cave, *The Pequot War*, 173.
- 21 The twin of this policy was implemented in Ireland in the reign of Queen Elizabeth I. The 1652 *Act of Settlement* imposed on the defeated Irish Catholics had many direct parallels with the regulations on Indians passed by the Bay Colony in the 1640s and many of the leaders served in both places during the period. Peter B., Ellis, *Hell or Connaught!: The Cromwellian Colonisation of Ireland 1652-1660* (New York: St. Martin's Press, 1975), 29, 37, 51.

Top of the Food Chain: Fisheries, Economic Development, and Ecological Decline in Colonial New England

by Charlotte Towle

- 1 Nicolas Denys, *The Description and Natural History of the Coast of North America (Acadia)* (Toronto: Champlain Society, 1908), 342-343.
- 2 Denys, *The Description and Natural History*, 342; Jeremy B. Jackson, "Historical Overfishing and the Recent Collapse of Coastal Ecosystems," *Science*, 293 no. 5530 (July 27, 2001): 629-637.
- 3 John F. Richards, *Cod and the New World Fisheries, the Unending Frontiers* (Berkeley: University of California Press, 2003); Jeremy B. Jackson, "Historical Overfishing" [page]; Karen Alexander, et al, "Gulf of Maine Cod in 1861: Historical Analysis of Fishery Logbooks, with Ecosystem Implications," *Fish and Fisheries* 10, no. 4, (December 2009) 428-449; William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang: 1983), 8; Heike K. Lotze et al, "Depletion, Degradation, and Recovery Potential of Estuaries and Coastal Seas," *Science* 312 no. 5781 (June 23, 2006): 1806-1809; David R. Foster and John D. Aber, eds. *Forests in Time: The Environmental Consequences of 1,000 Years of Change in New England* (New Haven: Yale University Press, 2006).
- 4 Alexander, *Gulf of Maine*; Charles Isham, *The Fishery Question: Its Origins, History, and Present Situation, with a Map of the Anglo-American Fishing Ground and a Short Bibliography*, (New York: GP Putmans & Sons, 1887); Vol. 20. 55-60; Denys, *The Description of Natural History*, 376-396.
- 5 Thomas Harriot and Theodore de Bry, *A Brief and True Report of the New Found Land of Virginia*, (New York: Dover Publications Inc., 1972), 42; Denys, *The Description and Natural History*, 347; Harriot and de Bry, *A brief and True Report*, 43.
- 6 Denys, *The Description of Natural History*, 260; Richards, *Cod and the New World Fisheries*, 552.; Harriot and de Bry, *A Brief and True Report*, 46; Joseph A. Conforti, *Saints and Strangers: New England in British North America* (Baltimore: Johns Hopkins University Press, 2006), 79.
- 7 Nicolas de Fer, *America In Hermon Moll, A New and Exact Map of the Dominions of the King of Great Britain*. 1715 (London: 1732).
- 8 William Cronon, *Changes in the land*, 162.
- 9 Conforti, *Saints and Strangers*, 77-80; Henry S. Burrage, *Early English and French Voyages Chiefly from Hakluyt* (New York: Barnes & Noble Inc., 1906), 203; Thomas Morton, *New England Canaan: Or New Canaan*, (Fairfield, Washington: Galleon Press, 1632), 60; John F. Richards, *Cod and the New World Fisheries*, 566.
- 10 Richards, *Cod and the New World Fisheries*, 559, 565-569; Carolyn Merchant, *Ecological Revolutions: Nature, Gender, and Science in New England*. (Chapel Hill: University of North Carolina Press, 2010), 74-76; Cronon, *Changes in the Land*, xvii.
- 11 Richards, *Cod and the New World Fisheries*, 559-568; Lotze, et al, *Depletion, Degradation, and Recovery* [page]; Cronon, *Changes in the land*, 10.; Isham, *The Fishery Question* 55-60;
- 12 Isham, *The Fishery Question*, 53.
- 13 Merchant, *Ecological Revolutions*, 276.
- 14 Gregory Ruiz, et al, "Global Invasions of Marine and Estuaries Habitats by Non-indigenous Species: Mechanisms, Extent, and Consequences. *American Zoologist* 37, no. 6 (1997) 621-632; Richards, *Cod and the New World Fisheries*, 558-559.
- 15 Richards, *Cod and the new world fisheries*, 552.; Ishman, *The Fishery Question*, 11-20.

We the Jury: How Three Praying Indians Shaped Colonial New England

by Aimee Wismar

- 1 Benjamin Church, *The History of King Philips War* (Boston: John Kimball Wiggin, 1865), 12-13.
- 2 Commonwealth of Massachusetts, *Records of the Colony of Plymouth in New England* v.5. (New York: AMS Press, 1968), 167-68.
- 3 Ibid. 168.
- 4 Yasuhide Kawashima, considered one of the foremost experts on Native American justice in colonial New England, wrote *Igniting King Philip's War: The John Sassamon Murder Trial*, (Lawrence: University Press of Kansas, 2001), 107-08. In it, he briefly discussed the Indian jurors and gave two hypotheses as to why they may have been chosen. The first was that they were "praying Indians" who were not part of King Philip's tribe and who may have served to "drive a wedge between Philip's pagans and Plymouth's converts." The second hypothesis was that they might have been chosen because they were familiar with the English justice system. Kawashima repeated the same theories in his book *Puritan Justice and the Indian*, (Middletown: Wesleyan University Press, 1986), 129. In Kawashima's article "Jurisdiction of the Colonial Courts over the Indians in Massachusetts, 1689-1763," *The New England Quarterly* 42, no. 4(1969), 532-550, he discussed Indians who had served on juries in Massachusetts prior to and after King Philip's War, but did not mention the Sassamon case. Jill Lepore, who is considered an expert on King Philip's War, examined the trial and evidence presented at the Plymouth court in great detail in her book, *The Name of War: King Philip's War and the Origins of American Identity*, (New York: Vintage Books, 1998), 22-5, but only briefly mentioned the Indian jurors or why they may have been impaneled. Lepore also wrote an article, "Dead Men Tell No Tales: John Sassamon and the Fatal Consequences of Literacy," *American Quarterly*, 46, no. 4(1994), 479-512, in which she explored the life and death of John Sassamon, but made no mention of the praying Indian jurors.
- 5 John Eliot and Kenneth M. Morrison, "The Art of Coyning Christians: John Eliot and the Praying Indians of Massachusetts," *Ethnohistory*, 21, no. 1 (1974), 78-79.
- 6 Elise M. Brenner, "To Pray or to Be Prey: That is the Question Strategies for Cultural Autonomy of Massachusetts Praying Town Indians," *Ethnohistory*, 27, no. 2 (1980), 137-38.
- 7 Rev. John Eliot, *A Brief Narrative of the Progress of the Gospel among the Indians of New England*, 1670 (Boston: John K. Wiggin and WM Parsons Lunt., 1868), 19-20.
- 8 Ibid. 23.
- 9 Commonwealth of Massachusetts, *Records of the Colony of Plymouth in New England: Laws 1623-1682*, 236.
- 10 Commonwealth of Massachusetts, *Records of Plymouth Colony* v. 5, 168.
- 11 Jill Lepore, *The Name of War: King Philip's War and the Origins of American Identity*, (New York: Vintage Books, 1998), 137-39.
- 12 Lepore, *The Name of War*, 150-58.
- 13 Plymouth (Mass.: Town), William Thomas Davis, *Records of the Town of Plymouth: 1636 to 1705* (Plymouth, Mass.: Avery and Doten, 1889), 40.
- 14 Ibid. 60.
- 15 Davis, *Records of the Town of Plymouth*, 235.
- 16 Commonwealth of Massachusetts, *Records of the Colony of Plymouth in New England* v. 5, 70-71.
- 17 Commonwealth of Massachusetts, *Records of the Colony of Plymouth*, 21-23.
- 18 Church, *History of King Philips War*, 7.
- 19 Ibid. 74-75.
- 20 Church, *History of King Philips War*, 75-86.
- 21 Commonwealth of Massachusetts, *Records of the Colony of Plymouth*, 201-02.
- 22 Ibid. 224-25.

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Great Britain:
Courting the Collision of Arab and Jewish Nationalism
by Gary Wilcox

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Dress-Nots and Party-Raids: Denver's Gender Ordinances and Public Space, 1886 and 1954

by David Duffield

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